desire on the part of the jury to go out of its regular duties, or to do anything beside an honest and impartial investigation of an alleged crime. The United States attorney was not present at the taking up of the case, nor has he in any way sought to influence the jury or any member thereof in this or any other case.

We refer to this matter on account of the charges made in open court that the case was forced upon the jury by the district attorney.

In the matter of the charges brought in open court by Chief of Police Pratt, that members of this jury have divulged the secrets of the jury room, we beg to report that we have examined all the witnesses named by Pratt and others, and failed to find one who has heard any one of this jury reveal any of its secrets.

In the matter of the Tyre case, we find that Mr. Tyre was arrested and held for eight days without any complaint being filed against him, or warrant issued for him, and then discharged by order of an officer of the court. We believe that a grave mistake was made in this matter. All this was done during a recess of the grand jury. Upon reconvening, Mr. Tyre was indicted for embezzlement. We recommend that the law governing these cases be more carefully enforced.

We call especial attention of this court to the unwarranted liberties taken by a portion of the press in this city in trying to influence the actions of the grand jury by their cartoons, utterances and recommendations. We believe it is within the province of the court to take cognizance of the unjust attacks upon its juries and officers, and ask that the same be given due consideration. If juries cannot be protected against the assaults of the press, but are to be held up to public ridicule and scorn while they are investigating crimes against people of influence or wealth, it will only be a short time until the press will dictate who shall or who shall not be punished in this community."

The report was signed by Foreman H. C. Hill and all the other members.

COMPLIMENTARY.

Upon the conclusion of the reading of the foregoing District Attorney Judd arose and said: There is no further business, may it please your honor, now to come before this grand jury and they are ready to be discharged. I want to say to your honor that it is the testimony of Judge Howat, Mr. Richards and myself that this grand jury has done more work and done it better than any grand jury we have ever had assembled here. They are entitled to due praise for it, and they are entitled to better treatment than they have received from the public press of Utah Territory.

Judge Bartch then said: Gentlemen of the grand jury, it gives the court much pleasure to learn from the prosecuting attorney that you have endeavored to perform your duties well. It seems to me the highest recognition you can receive for this is that of your own conscience—no matter what has been said or done by any other person. No matter what criticism a person may be subjected to, if he himself, in his own conscience, knows that he has done his duty to the public to whom he is responsible, it can matter little what is said. I have noticed myself that you, gentlemen, have appeared time and time again before the court, and it seemed to me to be your honest desire to do your duty as you saw it under your oath. As this court has already expressed itself, it has had no reason to question your motives in the consideration of anything that has come before you. I have known no facts which would warrant me in doing so, and I am pleased this morning that those who have had charge of you speak of you in the favorable terms in which they do. After all, the safety of society is almost entirely in the hands of the grand jury. If they do their duty prisoners may be brought to justice and society may be freed from those who are unworthy members of it. It is not for the court to inquire into the modes and motives by which you arrive at your judgment. In discharging you this morning, gentlemen, you have the good wishes of this court. You are discharged for the term.

PRATT AND CO. SET FREE.

District Attorney Judd then arose in all his official dignity and said—May it please your honor. Coming now to the case of Arthur Pratt, George A. Sheets and Fergus Ferguson, who are held in custody under a commitment by this court for contempt, I move that an order be now entered discharging them from such custody. In doing this I do not desire that it shall be understood that the prosecution has receded or intends to recede from the position it has taken with reference to this matter. The grand jury has reported before your honor that the case concerning which they were committed for contempt was a case as regularly before that grand jury as any other that has been before it during its sittings. But for reasons which are in like manner known to your honor, I have thought it best not to ask this court to continue this grand jury any longer, and to let Mr. Pratt and his associates be discharged. We do not, however, desire this to be understood as a precedent for any future cases. This matter stands open to be taken up by the next grand jury, which in all human probability will be done. If it shall be done, then there will be ample opportunity for this court again to assert itself, as it has done in this case. It is an unfortunate matter that officers of the law, charged with its execution, should come before this court and say, "It is true we caught parties in crime, but they are of such high standing in the community that we promised we would not give their names," and then stand upon that promise before a justice-loving community and before a court. I say it is unfortunate that such should be the case. But it is thought that it were probably better to let the case stop where it is for the present and let the next grand jury of this court, at the February term, take the work up where this grand jury has stopped. They have worked hard. Some of them have stayed here away from their business when the demands of their material interests called them elsewhere. I felt it would be wrong to continue them over, that it would be an injustice to them, and that they ought to be now discharged. Their discharge necessarily, as I understand the law, would amount to a release of those who are held in contempt of this court for not answering before them, for the reason that, being finally discharged, there would probably be no way for the parties held in contempt to purge themselves by making answer. But all technicalities aside, I have felt that it was best for the community under the circumstances, and for reasons which your honor perfectly understands, to take this course in this matter, and I therefore ask the court to enter an order directing the United States marshal to discharge the defendants from further custody.

Judge Bartch—The order may be entered.

Judge Powers—This is not a matter of privilege or consent upon the part of the public prosecutor, but it is a matter of right under the law. The suggestion that he (the district attorney) might have held the grand jury over is not one that the law would bear out, and it is due to my clients that I should say that the further suggestion he has made here as to the reasons why these officers declined to answer are not borne out by the facts. Whatever a future grand jury may do, it is not for him or me to say at this time. As a matter of right these men are now entitled to their discharge; when this term expired the grand jury, by the statute, would have been discharged. I think they were held over with the idea that this matter might be continued.

Judge Bartch—The report of the grand jury contains a number of recommendations, some of which should receive serious consideration on the part of the officers of the law, and also of the parties to whom the report refers, namely the reference to the city jail and other matters. For this reason I will refer the report to the prosecuting attorney, who will give it such reasonable consideration as he deems proper.

District Attorney Judd said it had come to him unofficially that cases were pending which had they reached here in time would have gone before this grand jury. To save any technical objection or future question he desired the court to now make a general order that all criminal business now pending and not disposed of by this grand jury be continued over until the next term. He had been advised that a case of murder—not yet in shape to be sent here—would probably come from Park City.

Judge Bartch directed that such an order be entered.

It being now 12:30 the September term of court was declared closed and the courtroom was soon empty. Ten minutes later Judge Bartch again took his seat upon the bench and Bailiff Nelson announced the opening of the December term.

The release of Chief Pratt and his two officers was immediately directed by a telephone message to the penitentiary from the United States marshal's office.

Lecture by Attorney J. H. Moyle.

Hon. James H. Moyle will lecture tomorrow evening at 7:30 o'clock, in the First ward assembly rooms, at the joint session of the Y. L. and Y. M. M. I. A., on civil government. Subject the "Constitution of the United States." An invitation is extended to all to be present.

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