

OH! That's how it is, is it? Many of our exchanges published the sensational-fictitious dispatch to the effect that the women of Utah had forwarded a fifty-foot petition to Washington, praying for the institution of effective measures against polygamic marriage, and some of those papers, to their credit be it said, have been equally forward to publish the truth when it appeared—that the petition referred to was in favor of the marriage system referred to and opposed to the unjustifiable and ruinous proceedings of federal officials and other ring members in their crusade against the people of this Territory. The Washington correspondent of the New York Herald Oct. 27th, thus states the case, according to his after understanding of it—

The character of the petition from Utah, fifty feet long and signed by about twenty-five hundred women of that Territory, was recently unintentionally misstated. Instead of being against, it is in favor of polygamy, and was sent to the Executive Mansion by Delegate Hooper. The petitioners say that their husbands, fathers, sons and brothers are now being exposed to the murderous policy of a clique of federal officers, intent on the destruction of an honest, happy, industrious and prosperous people, and they therefore ask for the removal of the federal disturbers of the peace, or at least to stop the disgraceful proceedings or send candid and reliable men to Utah to investigate the question of the constitutional rights and liberty of the people. The petitioners express their approbation of polygamy, asserting that it was sanctioned by Christ's teachings and that the institution is being perverted by federal officers.

Editorially the *Herald* makes the following comments upon the affair—

The Mormon women have drawn up a petition to Congress, fifty feet long and signed by twenty-five hundred petitioners, praying that proceedings against the Mormons be stayed. They express belief in the divinity of the polygamic system, and say that they are content as they are. Some time ago we suggested that the Mormon wives make themselves heard on the subject, and doubtless, if the petition is a genuine one, this is the means they have taken to that end. It can hardly be probable that the petition will affect the trials now pending; but in view of the fact that the future of these unfortunate women is most deplorably affected by the prosecution, it should become a subject of thoughtful consideration with Congress and the administration.

Yes, "it should become a subject of thoughtful consideration with Congress and the administration." Not that any consideration which either may give to the subject will change the opinion of the Latter-day Saints upon the morality or the Divine institution and sanction of plural marriage—that is beyond the power of either Congress or the administration. But thoughtful consideration by the ruling authorities of the Union may help them to act judiciously and in a spirit of enlightened statesmanship worthy of the question, the country, and the times. It is too late in the century for Congress or the administration to think for a moment of disposing of the "Mormon" problem in a summary, partizan, prejudiced, vindictive, or exterminative manner. It will disgrace and ruin any legislature or administration which is so shortsighted and impolitic as to attempt any such thing. The "Mormon" social system is a fixed fact, apparently half a century's growth. It has established itself in the face of and in spite of the supposed enlightenment of the age. It has not had the advantage of scholarship, of acknowledged statesmanship, of confessed ability. It has been unaided by prestige or talent or learning, and yet has pushed its way successfully in the most civilized nations on the earth, gathered a hundred thousand adherents therefrom, notwithstanding all kinds of opposition from both friends and foes of its advocates, and come off victorious, strengthened, and invigorated from all the attacks of its enemies, social, theological, or governmental. This fact is a very powerful argument in favor of the possession of uncommon, if not indeed unconquerable, vitality. If Congress or the administration were to suppose that "Mormonism" can be overthrown and destroyed in a few days, and were to act upon such a supposition, the result would be certain failure, and as it is not pleasant to us to see either Congress or the administration humiliated, we mild-

ly caution both those honorable corporations, as does our contemporary, the *Herald*, to think the matter over seriously, in all its multifarious and important bearings, ere they decide upon any active operations regarding "Mormonism." The very worst thing they could do would be to attempt rashly and forcibly to put down an establishment of religion which they are constitutionally enjoined from meddling with.

"DELUDED WRETCHES" may be a very fine epithet to apply to the Mormon people who number one hundred thousand souls and who have subdued the desert and planted the remarkable industries which have made Utah the wonder of the world. The spirit that animates those who thus use it is exactly that which led their ancestors to drive the Quakers into the arms of the savages, and which burned unoffending men and women alive at the stake in New England.—*Omaha Herald*.

A CHANGE MUST COME.—The press of the country, east, west, north and south, almost universally condemns the course of the judiciary of this Territory, and it is but justice to the country to suppose that the newspapers reflect the national sentiment on the matter. However much most people might desire to see "Mormonism" abolished, the majority are not willing that "foul play" should be resorted to in order to accomplish it; and however anxious an administration might be to see it overthrown, and however willing to resort to unlawful means to perform the work, it is scarcely supposable that such administration would pursue so suicidal a policy as to operate directly in the face of public sentiment. Be that as it may, the squelching of such a vital institution as "Mormonism" assuredly is, is an up hill job, and the hill is so steep and rough that the top will never be reached.

A turn in judicial affairs here must come soon, and we are not sure but the indications are even now favorably inclined towards a turning point. Besides the national sentiment being in favor of a change, because in favor of fair play, Utah has made extensive and important business connections with every part of the country, and various parts of the world, and, consequently, upon the internal condition of Utah large commercial, mining and other interests to a great extent depend. Here then is a question—will the thousands of influential men having moneyed interests at stake in this Territory permit, without protestation, those interests to be jeopardized by the operations of religious bigots and wire-working politicians? We think otherwise. Should there be any, however, having financial and other interests connected with the Territory, who are willing to stand supinely by and see the "Mormons" "driven to the wall," and such suffer loss thereby, it will be the privilege of this class to hold their peace and let nobody hear from them a solitary whine, should a crisis come. It will not then be their province to complain.

There may be a few deluded persons who think the interests of business would not materially suffer should the judiciary continue in the unwarrantable course taken for some time past. If there be any who entertain such an idea, the sooner it is dispelled from their minds the better.

Correspondence.

SALT LAKE CITY,
October 28, 1871.

Editor *Deseret News*.—Among the reported sayings of the seven wise-men the following of Solon occurs—"That is in my opinion the most perfect government where an injury to one is the concern of all." Acting on this maxim, Solon succeeded in establishing that admirable system of government for which Athens was justly famous. For so small a State the Athenian constitution was very complex. In addition to the General Assembly, and the supreme court, called the Areopagus (i.e. Mars Hill), Solon established ten inferior courts of justice, four for criminal and six for civil causes. Some of these courts existed long before his time, but he reformed them to that degree, that some of the highest authorities date their existence back to his time only. (See Pintarch, Solone, and Cicero, *De offic. lib. 1*.) In the aforesaid ten courts, which were often called Alpha, Beta, etc., because one of the first ten letters of the alphabet was inscribed on each of them, a body of men, summoned and sworn, similar to our juries, were sitting to hear and determine causes. These jurors were chosen out of the citizens without distinction, provided they had arrived at the age of thirty years, and had never been convicted of any notorious crime. Persons who had leisure and inclination to serve as jurors delivered in their names and legal description to the *thesmothele*

archons, who assigned them to the different courts by lot. No one was allowed to serve as a juror, except he had been legally summoned. While serving in court each juror was allowed a small sum of money per diem; if any juror was convicted of bribery, he was fined.

The supreme court of Athens, the Areopagus, was composed of men who had executed the office of archon with credit. The conduct of their former lives was examined, before entering upon the high office of Areopagite, with a scrutiny that was extremely severe, rigorous, and particular. To have been seen sitting in a tavern or public house was a sufficient reason to exclude an archon from admission into said court, and the deliberations of the judges were conducted with such gravity, that to laugh in their assembly was considered an unpardonable act of levity.

Aristides informs us that this court was the most sacred and venerable tribunal in all Greece; according to Demosthenes, its proceedings were so exactly upright, just, and impartial, that up to his time there had never been one of their decisions of which either plaintiff or defendant had any just reason to complain.

The exact number of judges composing this court, has never been exactly ascertained. When Socrates was condemned, we find two hundred and eighty-one casting their votes against him, besides several who voted for his absolution; and in an ancient inscription found on a column, erected to the memory of Rufus Festus, pro-Consul of Greece, the senate of Areopagus is said to consist of three hundred.

Among the great number of causes of which this court had judicial cognizance were: Contempt of the holy mysteries, and blasphemy against the gods. Plato believed in one god only, in which knowledge he had been instructed in Egypt, and in order to avoid being arraigned before the court of Areopagus, for entertaining such a belief, he is said to have dissembled, or concealed his opinion (See Justinus Martyr). When St. Paul was arraigned before said court, he was charged with the crime of being a setter forth of strange gods. (See Acts XVII 18, 19.)

In ancient Rome, criminal trials were often conducted before the people. There were also criminal trials before the *Inquisitors*, who were persons invested with a temporary authority to try particular crimes, and whose authority ceased when the trial was over. After the year A. D. 604, we find that certain criminal offences were tried by the praetors, who were also, as formerly, judges of civil causes. In trials of importance, the praetors were assisted by a council of select judges or jurymen.

The judges or jurymen were chosen from different orders of the Roman citizens, according to the various laws which were enacted at different times. Their number varied also in pursuance of those laws. By the law of Gracchus, their number was 300; of Servilius, 450; of Drusus, 600; of Plautius, 525; of Sylla and Cotta, 300; of Pompey, 360. Under the emperors, their number was greatly increased.

In a letter on a former occasion, as well as in the above, I have thus briefly referred to the different forms of trials among the ancient nations. But as it has been claimed that we owe the origin of our present jury system to the Anglo-Saxon age, I shall take the privilege to lay before your readers, on a future occasion, a short account of its progress under the British and American constitutions.

GRADIBUS IRE.

MORMONISM.—The *Omaha Alta* is rather rough upon the crusaders—

The present fight in Utah is a most disgraceful one. Not that we believe in Mormonism or polygamy, but because a few knavish politicians and religious bigots are endeavoring to glorify themselves as persecutors of a people whose views are peculiarly their own. President Grant, in fathering this movement is endeavoring to ride into the White House on the back of polygamy, but the jade will throw him. If the Mormons have a thousand wives it is none of our business. They are separated from us by the Rocky Mountains, and the taint of their social system will be purified by mountain air long before it reaches Nebraska. Then why do we howl, like a pack of vampires, at Banquo's ghost? We have the reason in a nut-shell: Some of the "Lords of Creation" are jealous because they are not as smart and as good-looking as Brigham Young. He has a score of wives, and they are lucky to get one. This makes them mad. Not smart enough to fool more than one woman, they determined to bind others by their own misfortunes. In our family the disease is not catching—we don't fear it. But those who are subject to the contagion must continue to howl!

These political hacks who are forcing themselves upon an unwilling people deserve the halter, and if we were in Utah, would hang Judge McKean and his Vampires to a lamp post in less than a minute. We would teach the hell-hounds to stay at home, where they ought to learn the beauty and the duty of the proverb—"Mind your own business."

ONE thing Congress ought to do early the next session, and that is, restore the right of appeal to the Supreme Court of the United States in criminal cases. At present it is held that civil cases where the amount involved is \$1000 or over, can be appealed to the U. S. Supreme Court, but criminal cases, wherein the life and liberty of the citizen are involved, cannot be so appealed. This is a most inconsistent and unreasonable provision, leaving Congress open to the charge of setting a low value upon life and liberty and a high value upon the almighty dollar, for, in remote Territories for instance, cases in which a few paltry dollars and cents are concerned are manifestly too important to be left to the final decisions of a judiciary imported from afar, but cases of liberty and incarceration, of life and death, can be very contentedly consigned to the ultimate judgment of the same judiciary, who oftentimes are by no means in accord with the sentiments of the community where they are appointed to adjudicate. This is a glaring and ill-conceived anomaly, which should be remedied at an early day by Congress, and thereby the stigma of regarding life and liberty of inferior value to filthy lucre will be removed, and many instances of great injustice will be prevented.

FROM THURSDAY'S DAILY.

DISTRICT COURT AT PROVO.—By a special dispatch from Provo, yesterday afternoon, we learn that the mining case pending before Judge Strickland, in which the Eureka Company are plaintiffs and Aspinwall and Page defendants, promises to be a huge affair. Some tall jumping is alleged, by the plaintiffs, to have been done by the defendants. Messrs. Carter, Fitch, Robertson, Roseborough and Bagle are counsel for the plaintiffs, and Messrs. Cooper, Kirkpatrick and Smith for defendants.

ACCIDENTS.—The following are taken from the Ogden Junction of yesterday:

"Mayor Ward and Mr. George Marsh, of Willard, called to see us on Monday, and gave us the particulars of the accident which happened to 'Eddy,' son of Lyman B. Wells, at Willard, on Sunday, Oct. 22nd. It appears the boy 'Eddy,' as he was called, a little fellow about twelve years of age, took his gun to go out shooting, declaring that if he did not get some game that day he would never go hunting again. When near the railroad, on Mr. Marsh's farm, he dropped the butt end of the gun on the ground and accidentally discharged it, the charge entering the side of his head and coming out of the top. The boy was conveyed home with his brains oozing out of his head. Dr. Ormsby, Jun., of Brigham City, was sent for, who did all that he could for the little fellow, but declared the case hopeless from the first. He still lived, however, and next day Dr. Ormsby, Sen., of Salt Lake City, was sent for, who used his skill to the utmost, but the patient died early on Tuesday morning."

"On Sunday last Simon P. Thompson, aged 16, went with some other boys to hunt ducks up the Weber river. Simon shot at the ducks; the latter flew, and the hunters followed them in single file, when a pistol in the hands of one of the boys accidentally went off and shot Thompson. The ball entered his right hip, glanced downward, and lodged in the fleshy part of the thigh. Dr. Anderson, of Ogden, was called in, who would have extracted the ball, but the parents of the boy thought the operation too dangerous. The doctor dressed the wound, and supplied remedies, and the boy is now progressing favorably."

"On Thursday last, a young man fell from the cars while the U. P. train was in motion, at Evanston. The wheels passed over his thighs, cutting off both legs. Dr. Nellis was called in, but medical assistance was of no avail. The young man died in about two hours."

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