

body of the district to be issued in the manner requiring him to summon them. And the question is, has the Court the power under the circumstances to make such an order?

The circumstances are that the Congress of the United States has provided four terms of Court in each of the judicial districts of the Territory of Utah to be held each year, and in pursuance of law the terms have been fixed for February, April, September and December, and has also provided in Section 4 of an Act of Congress in the Territory of Utah that

"Sec. 4. That within sixty days after the passage of this act, and in the month of January annually thereafter, the clerk of the district court in each judicial district, and the judge of probate of the county in which the district court is next to be held, shall prepare a jury-list from which grand and petit jurors shall be drawn, to serve in the district courts, of such district, until a new list shall be made as herein provided. Said clerk and probate judge shall alternately select the name of a male citizen of the United States who has resided in the district for the period of six months next preceding, and who can read and write in the English language; and, as selected, the name and residence of each shall be entered upon the list, until the same shall contain two hundred names, when the same shall be duly certified by such clerk and probate judge; and the same shall be filed in the office of the clerk of such district court, and a duplicate copy shall be made and certified by such officers, and filed in the office of said probate judge.

And the section further provides for the time and place of the drawing of the jury by the Judge, and that on the day and at the place thus fixed, the Judge of such District Court shall proceed to draw such names, etc.—omitting portions of this section which I do not deem material. The section further provides:

"And the names thus drawn from the box by the clerk shall not be returned to or again placed in said box until a new jury list shall be made. If during any term of the district court any additional grand or petit jurors shall be necessary, the same shall be drawn from said box by the United States Marshal in open court; but if the attendance of those drawn cannot be obtained in a reasonable time, other names may be drawn in the same manner."

I omit other portions of the section, but it appears that all of the 200 names have been drawn from this box, and we have but 12 grand jurors. The law provides that 15 shall constitute a grand jury; and I will further state that the statute provides no mode by which the 3 additional grand jurors can be supplied, and the result is that if there is no power in Court to provide this grand jury then the district is without a grand jury from April until next February, which would be ten months, about; and the probabilities are that during the present term of court it would be necessary to draw some more petit jurors to try some of the cases that may be, as I anticipate; and there can be no jury, either grand or petit, for this or the December term.

Now, under these circumstances the question is: What is the proper construction of that section of the statute that I have read? Did the Congress of the United States intend that this district should be without a Grand jury for ten months, and without a petit jury probably to try some of the cases for some length of time, or a portion of the time at least.

This act must be construed with other acts of Congress and in the light of the Constitution of the United States; it must all be construed together. The statute provides but this list, and it provides that when they are drawn out—when this 200 are exhausted—that a new list shall be made as herein provided. But the new list is made in the same way that the old one was made in the month of January. The statute in terms provides that this shall be the list for the year from which jurors are to be drawn. The question now is—as the list has been exhausted and there is no list to draw the jurors from, has the court the inherent power, as a court, to furnish the necessary jurors. In using the term court, Congress used it in its legal sense; and the acts of Congress prescribe the jurisdiction of the court. It is a court—when they mention court—it is a court for the trial of civil and criminal cases. Without a grand jury or a petit jury it is not a court for the trial of criminal cases, because there is no way by which a criminal offense can be tried in this court except upon the presentment of that grand jury upon an indictment. I am granted to hold that inasmuch as this statute has been exhausted, and the court is commanded to hold the terms of court, that the court must use the necessary means to bring its powers into exercise, because it is absurd to say that Congress intended that the Federal Legislature intended that a court should be held, and at the same time provided a method by which it could not be held. The Constitution of the United States provides that in all criminal prosecutions the accused shall enjoy the right of speedy trial. This is expressed in one of the amendments of the Constitution of the United States. To say that Congress intended that in this contingency the court had no power to summon a jury, is equivalent to saying that Congress intended to deprive a person of the benefit of this provision of the Constitution. Because

here is the court; term to be held; another one to be held in December; and if they so intended they provided a method by which a man charged with crime in this district could not have a speedy and impartial trial. To attribute such an intention as that to the wisdom of the people of the United States collected in Congress, would be to attribute to them a willful violation of the Constitution, which they had taken oath to support and to enforce. I do not feel authorized to give it any such construction.

Reference has been made to some decisions—one, a decision which is found in Brockenbrough's reports, a decision by Chief Justice Marshall, one of the most eminent jurists that has ever sat upon the bench, at least in the United States, or probably in any country; he stands pre-eminent for his wisdom and his learning. In that opinion he lays down certain principles. And after all, the law consists of general principles, and the decisions of court are but illustrations of this principle whenever it is proper to apply it. Chief Justice Marshall says it has been justly observed that when acts of Congress direct grand juries or defines their powers, by what authority are they summoned and whence do they derive their powers. The answer is that the laws of the United States have invested courts with criminal jurisdiction, this jurisdiction being exercised through the instrumentality of grand juries. There is no question but what this court has power to inquire into criminal offenses by a grand jury. A grand jury is a part of the court, and the court has the power to exercise the means by implication, exercise the power for the powers of the court, and to furnish the means necessary for the exercise of those powers.

Reference has been made to a case that went up from this Territory in 13th Wallace, —the case of Clinton et al. vs. Englebrecht. This has been cited as a case in point. The facts of this case, as I gather them from the opinion, were that the Legislature of the Territory had provided a method by which the jury was to be summoned. The court failed or refused to pursue that method. By that method the court had the means of furnishing a jury. He declined to use that means to obtain a jury in that way; but issued an open venire. It therefore is not a case in point here. Here there are no means. The means have been exhausted, and the question is whether the court by implication has the power to summon a jury. The case don't seem in that respect to be in point. Another case was referred to (Maine Reports, Vol. 36)—the case of the State vs. Simmons. In that State it seems that there was a Constitutional provision vesting the power of providing a jury in the Legislature, and the Constitution had deprived the court of the power to select a jury; and the court held in that case that the method laid down by the Legislature must be followed, and that there was no other power by which the method of selecting a jury could be provided. I am disposed to hold, therefore, that inasmuch as there is no way by which a jury can be summoned for this term and for the next, that it is the duty of the court, it is the legal duty of the court to exercise the common law power the power incident to all courts of this character, unless it is expressly deprived of that power by some competent authority. And I am of the opinion that under the circumstances that Congress has not deprived this court of that power—it certainly has not expressly done it, and I don't think that it should be held to have done it by implication—the motion therefore will be allowed and the venire will be issued for eight jurors to be summoned as grand jurors—good and lawful men—to be selected from the body of the district by the Marshal.

PRIESTHOOD MEETING.

SALT LAKE ASSEMBLY HALL, September 27th, 1884.

The regular monthly meeting of the Priesthood of this Stake convened in the Assembly Hall at 11 a. m., on the stand were Apostle Geo. Teasdale President A. M. Cannon, Counselors Jos. E. Taylor and Charles W. Penrose and others of the priesthood.

Prayer was offered by Bishop Wm. L. N. Allen.

The roll was called, showing an attendance of President Elias Smith and Counselors Snelgrove and Morris of the presidency of the High Priests' Quorum, seven presidents of Seventies, three High Counselors and eight Home Missionaries.

All the quorums of Elders of the Stake were represented except the 6th, 7th, 12th, and 13th.

All the wards of the Stake were represented by some of their presiding officers excepting the 1st and 17th of the city, and Mill Creek, South Cottonwood, Granite, North Jordan, Brighton, Granger, Mountain Dell and Pleasant Green, of the county. There were also representatives from the Priests' quorums of the 19th and 21st Wards, and from Draper. The Teachers' quorum of the 13th Ward was represented, as was also the Deacons' quorum of Big Cottonwood.

Bishop H. B. Clawson referred to the Deseret Hospital and to the successful efforts of various organizations in the establishment and maintenance of such institutions, and to the meri-

torious labors of our sisters in getting the Deseret Hospital started. A report which was presented at a meeting of the officers held a few days ago, showed a very satisfactory condition of the institution, 317 cases had been treated, 87 surgical operations, and only one death resulting therefrom. The sisters had labored without remuneration, and he believed that the institution should be placed in such a condition that it could afford to treat poor patients, many of them objects of charity. The financial report showed that over \$2,000 was due the Hospital from those who have received medical treatment and a considerable proportion of this could not be collected. Several improvements were necessary in the building, features that were almost indispensable. At the meeting above referred to a number of the leading brethren, including President Taylor, signified their willingness to become members and pay the membership fees. The speaker felt to present the matter before the Bishops of this Stake, and thought that if it could be sustained here, the movement would be general throughout the Territory, all parts of which can and do send patients. He believed that in assisting and building up the afflicted and comforting them we were on the sure road to lay up treasures in heaven.

President Angus M. Cannon stated that if the Bishops and Counselors of this Stake would become members, at the fee of \$1.00 a year they could ask the members of their wards to become members. The Presidency of the Stake have already become members, and they felt astonished at the amount of means which has been laid out and the amount of good which had been done. He could see that to have a patient in a hospital where regular physicians are employed is cheaper in many respects than to have a physician in attendance at home. The institution had succeeded beyond his most sanguine expectations, and he felt to earnestly sustain it, and believed that the Bishops would give it their support.

President Jos. E. Taylor had been acquainted with the foundation and growth of the other hospitals in our midst, and had felt in the beginning that the Deseret Hospital would be difficult to sustain, but had been pleased to see that through the large donations, which he considered the unpaid services of the officers to be, the institution was in a healthy condition. The lack of such a place where members of the Church would receive the ordinance of laying on hands, attend meetings, sing our hymns, and enjoy the influences of the Gospel had been very apparent, and he felt that all would feel to give it support.

Apostle George Teasdale thought all would feel the necessity of such an organization, but perhaps had thought that it could be sustained without help. It ought to be an individual matter with us, however. We ought to have one of the finest hospitals in the world, where not only our own people but the poor stranger could find accommodation and treatment, and receive consideration and kindness. He was in favor of our having a model institution, which might be known throughout all Israel and throughout the world. That which we have already is very creditable. The speaker gave pointed instructions regarding the giving of recommendations to go to the Temple of the Lord, and to the great necessity of having these correct and trustworthy. Before one has a right to go to a House of the Lord certain conditions must be complied with, and these were principles to which all must subscribe. We will all have to give an account for the deeds done here, and it may be that some will be dumbfounded when asked in the day of judgment why they had placed their names to a recommendation of an unworthy person. The Priesthood is the reward of righteousness, and we should be careful how we distribute the reward.

Prest. Cannon stated that those who came to the Hospital should have proper recommendations from the Bishop of the Ward from which they came. The Bishop of the 17th Ward, where the hospital is now situated, should have a note of standing from all who come into his Ward, so that they can be visited by the teachers, and further recommended if required. This should be done in every case, even if the person removing expected only to be absent a month, that all members can be properly looked after. Urged the importance of thorough and regular spiritual attendance on the sick in the hospital, and called for an expression of the feeling of the meeting regarding the Bishops and other leading men becoming members.

The response to this was unanimously in the affirmative.

The following brethren were recommended as worthy of being ordained Elders, and on being asked, stated that they would faithfully perform the duties of an Elder to the best of their ability: Thos. B. Brighton, of the 11th Ward; Nichols Anderson and Jacob M. Hoffman, of the 13th Ward; John Matheson and Henry Pugh, of the 14th Ward; Jas. A. Smith, of the 19th Ward; and Thos. McClelland, of Farmer's, Chas. W. Walker, of Draper, and Albert Dickson, of Brighton.

In reply to a question by Brother B. J. Beer as to the intercourse between the spirits of the dead and mortal beings here upon the earth, remarks were made by Presidents Cannon and Penrose, the latter reading the revelation to Joseph Smith giving the keys by which the character of spiritual messengers might always be detected; Elder Theodore Curtis also spoke briefly on the same subject.

Counselor Elias Morris stated that arrangements had been made to have a meeting of the High Priests held on an evening in the Social Hall once a month at which the Presidency of the Stake, the members of the High Council and others will be present to make the meeting an interesting one. The evening designated had been fixed as the second Thursday of the month, at 7 o'clock, and a cordial invitation was extended to all to be present at the meetings. This was not to interfere, however, with the regular meeting of the Quorum, which would be held as usual on the last Saturday in the month.

After some further business the meeting was dismissed, prayer by Bishop H. B. Clawson.

JNO. Q. CANNON, Clerk.

ANTI-"MORMON" PRESS DISPATCHES AGAIN.

THE following press dispatch appears in a number of Pacific coast newspapers:

SALT LAKE, September 25th.—Judge Zane, the new Chief Justice of Utah, in impaneling a Grand Jury for the September term of the Third District Court to-day, purged the jury of Mormons, on the ground that all who believe in polygamy were disqualified, under the Edmunds law, to serve. One Mormon, however, a son of Bishop Jenkins, will not be ousted, for while stoutly maintaining that he was a Mormon he was equally strenuous in his avowals of disbelief in polygamy. Past experience with Mormons on the Grand Jury makes it certain that Jenkins swore himself in to serve the Church as a spy. Governor Murray feels that this action of Judge Zane is vindicated by the people here, and that for the first time in a number of years one Federal Judge is starting out right. The Gentiles are pleased.

This specimen paragraph is an emanation from the Tribune office in this city. The author of it is one of the editorial staff of that infamous sheet. The press association which permits him to act as agent has stated, as we can prove, that it does not approve of these anti-"Mormon" fabrications nor the injection of Tribune vim into the body of telegrams for the press. News only is wanted.

The first and second sentences of the dispatch fairly answer that purpose. The third is simply a lie. It may possibly be the opinion of the framer of the dispatch that men here "swear themselves in" for ulterior purposes, because he naturally judges others by his own character. But he has no right to state his low imaginings for facts, and the Association which handles his vicious ravings ought not to give them publicity in connection with news. What "Governor Murray feels" is of no importance to the public, and if he "feels" that this is the first time that "Mormons" have been excluded from a grand jury on the polygamy question, he "feels" very far from the truth. Also if he "feels" that the action of Judge Zane is "vindicated by the people here," he "feels" something that does not exist. That Judge Zane's course is not "vindicated" by the vast majority of the people is beyond dispute. That it is not "vindicated" by numerous non-"Mormons" is just as certain. And that many eminent members of the bar are at variance with him in reference to this grand jury is as sure as sunshine.

It may be true that some "Gentiles are pleased." There are some "Gentiles" here who are always pleased at anything anti-"Mormon," no matter how vile, or lawless, or false, or unjust, or indefensible it may be, and among these are the sender of this dispatch and his immediate associates. But what are "the Gentiles pleased" about this time? Pleased because Governor Murray "feels" as described? Pleased because a man has "sworn himself in"—whatever that may mean—to serve as a spy? Pleased because of past experience? Pleased because the man will not be ousted? Or pleased because the grand jury was "purged of Mormons?" In either case the "Gentiles" who are "pleased" do not show much good sense in their delight, and the sender of a dispatch to announce to a startled world such astounding and important tidings as that "the Gentiles are pleased" exhibits still less.

For a while the press dispatches from this city, in consequence of intimations from the managers of the Association east and west, have been considerably modified. Only now and then has the venom of the agent cropped out in his telegrams. But now spurts of it again disfigure them, and his ingrained malice pushes itself to the surface. We protest against this prostitution of the telegraph to the dissemination of Tribune mendacity and anti-"Mormon" spite, and ask the manager of the press association to see that the transmission of news over the wires at his service is not made the means of deceiving the public on a question of general importance. Let "the butter and the hairs" be served on separate plates. The news will do for the dispatches, the lies are appropriate for the Tribune.

Gen. Pleasanton has not abandoned his "blue glass" theory. He says that he has three year old colts raised under blue glass that are as large as five year olds raised on Kentucky blue grass.

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THE LIVER AND ITS FUNCTIONS. It has become a well established fact that the larger portion of diseases to which the human family is subject arise in the first place from some derangement of the Liver. This organ is not only the largest, but at the same time one of the most important. The venous blood, on its return to the heart, passes through this organ, and in its passage the impurities, as also the secretions which are necessary for digestion as well as for a cathartic to assist in the renewal of waste material &c. are eliminated. From this it is easily seen that the Liver is liable to get out of order to a greater or less extent, and when this occurs it is impossible for it to properly fulfil its office of removing all objectionable matter from the blood, but allows it to pass through, carrying with it the poisons of which it should have been relieved. With impure blood the whole system becomes affected, and no organ can properly perform its function unless it is supplied with PURE BLOOD to maintain its strength. So the Liver becomes all important, and when one has the feeling of being continually weak, and nervous, out, is constipated, with tenderness to Piles, Headache, Sick Stomach, Sallow Complexion, Eruptions of Skin, etc., they may be sure their Liver is out of order, and a remedy is required to assist in relieving itself of all accumulations, and restore to its original Strength and Vigor. For all the complaints of this kind there is no medicine that equals PRICKLY ASH BITTERS.

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