also contravene a very important principle of the constitution. THE EVENING NEWS.

GEORGE Q. CANNON. IDITOS AND PUBLISHER,

Thursday, . October 19, 1871.

SOMEHOW or other, when people attack "Mormonism," it seems as if their good sense and good judgment, such as they have, are taken away from them. If it is not so, what can be the reason that they make such inconsistent and unwise assertions as they frequently do when they are speaking upon that subject? The other day, among some extracts which we made from the Philadelphia Press, was the following-

Now, best of all, Mormon jurors are excluded from the jury box.

Any man possessing a grain of good sense, fairness, love of justice, would at once consider that the writertof the above was in an unsound state of mind. What is there for an honest man to rejoice over in the fact that a whole community are arbitrarily excluded from the jury-box in an enlightened Republic like the United States? Is not such exclusion equivalent to the arbitrary abolishment of juries, and the institution of despotic and irresponsible trial, which would be worse than martial law or the court of Judge Lynch? Is there anything for congratulation in such a state of things, and especially when the people so abused constitute all but a small fraction of the community, and the community, especially the so abused portion of it, by common consent of candid and well informed men, is one of the soberest, quietest, most industrious, most moral, most law-abiding and order-loving communities in the land? One would think it utterly impossible for any justice-loving man, indeed for any same man, to make such an observation as the one quoted from the Press. Why should an American glory in the fact that nine-tenths of the community are excluded from the jury box, without conviction, without trial, without being charged with criminality, but solely because they will not deny their religion and their God?

Let any sober minded man reflect for a few minutes upon the nature of the principle and the policy involved in the above quotation. The jubilation of the Press is over the fact that the "Mormons" are excluded. Would not the would be wrong or not. Prosecuting Attorney. What do you think about it? Don't you think it would "Mormons" have equal right to rejoice if Methodists were excluded, the Methodists if the Catholics were excluded, the **Catholics if Protestants were excluded?** How would the Press man like to read in his own paper-"Now, best of all, Catholic jurors are excluded from the jury box; now, best of all, Methodist jurors are excluded from the jury box; now, best of all, Baptist jurors are ex-cluded from the jury box?" And all this could be done with as much rea-cluded from the jury box? And all son as similar things are done regard-ing the "Mormons." And more, if supposing he did not treat his second, fourth, fifth, sixth or seventh wives prosuch unwarrantable exclusion be persuch unwarrantable exclusion be per-mitted against the "Mormons," it, will consider it just to find a verdict of guilty of ere long be instituted against other religious bodies, and the precedent will be there to give force and prestige to further extension of the policy. If it is in the choice of men whether or quity, it is not within the compass of their discretion where the iniquity will end, nor whom its blighting effects will reach.

ple of the constitution. Prosecuting Attorney. It will be re-membered that this case, in the prelimin ary examination, was tried before your honor, or a preliminary examination was had, rather, before your honor; and in that preliminary examination it appeared that this party was living with women other than the prosecutive in this case.

this party was living with women other than the prosecutrix in this case. Mr. Miner. If the Court please, what ap-peared in the examination of this case be-fore your honor is not evidence in this case. What evidence was given there stood upon its own merits for the purpose, probably, for which it was designed, but has nothing to do with this case.

for which it was designed, but has nothing to do with this case. Prossouting Attorney. We do not claim it as a matter of evidence, but the court has a right, having heard the preliminary ex-amination, for the purpose of testing the qualifications of jurors, and to know that fact and look at that fact in considering their qualifications. Now, it is true, you could not make it appear on the face of the indictment whether it was one of those cases that come within the reason of the

cases that come within the reason of the rule which we claim disqualifies a juror; but I state such and such a fact, and the Court knows that fact by the preliminary examination which has been had before

our honor. Court. Let the question be answered. Mr. Miner. If the Court please, note our xceptions to the ruling of the Court. Prosecuting Attorney, to the juryman.

What was your answer to the juryman. What was your answer to the question as to its effect on your verdici? Mr. Naylor. I do not think but I could give a just decision. Prosecuting Attorney. That is, notwith-standing your belief in this regard, if the evidence aboved that the party was will.

evidence showed that the party was guilty, under the instructions of the Court would

you have any hesitancy in returning a ver-dict of guilty?

Mr. Naylor. If I tought it was

Prosecuting Attorney. Yes, but believing that polygamy, or living with more than one woman as his wife, is a religious duty on the part of a Mormon whe enters into Mr. Naylor. I do not know that the rev-elation would have anything to do with that, because he would be guilty in that it, would you think it just in that case?

Mr. Miner. I object, if the Court please. he were a Mormon, and were living in purshance of this revelation, you would let Court. That is asking for the explana-

Prosecuting Attorney. Would not you, in a case of that kind, consider it unjust Mr. Naylor. I do not think I should. I would just as soon find a Mormon guilty of adultery, outside his own family, as a from your standpoint? Mr. Naylor. I do not fully understand

not his wife?

your question. Prosecuting Attorney. Well, suppose the zentile. Proseculing Attorney. But if in his own family you would not find him guilty of Prosecuting Attorney. Well, suppose the facts should appear that the prisoner at the bar is a member of the Mormon Church, and that he was living with these women named in the indictment in pursuance of the revelation to the Mormon Church, would you not consider it unjust to con-vict of adultary? Mr. Miner. If the Court please, that is hypothetical, and I object to it. Prosecuting Attorney. The juror has stated that he would not have any hesi-tancy in finding a verdict if it were just. New, (to the juror) would you consider it just to find a verdict in a case of that kind? adultery, an matter how many wives he

Mr. Naylor. No; but if a Mormon com-mitted adultery I should go in for punish-ing him more than a gentile. Mr. Miner. Now, if the Court please, on

hir, hiner, how, it the court please, on this challenge for cause, I submit the re-cord. The record does not disclose any such statement as that the parties with whom this adultery is alleged to have been com-mitted were, either of them, the wife or wives of this defendant; but on the contra-

ry, alleges most emphatically that they

Counsel read from indictment, the first Mr. Naylor. I really do not know until have heard something about the case. and second counts, to sustain his position, and then remarked: Prosecuting Attorney. Well, don't you

Both counts of the indictment allege that they were not the wives of this defendant, believe it would be wrong to punish a man who is obeying this revelation of God? Mr. Minor, I object to that, if the Court of the counts of the indiciment allege that so that the questions are wholly inapplicable to the case at bar. Prosecuting Attorney. I have not any reply to make to that proposition. Of course it is evident that the counsel for the defense in this case argues from the stand-Court. I know that you object to all these questions, Mr. Miner. Mr. Naylor. I do, not know whether it

point that a Mormon may have more than one legitimate wife. I have not anything be wrong to convict a man of that kind? to say to that as a legal proposition,

The question was then put as follows by defendant's counsel: Q. Have you any hesitancy in rendering a verdict of guilty on the charge of adultery ugainst any person, should the evidence warrant, under the instructions of the Court on the law applicable to such evi-dence? A. No, Sir. Prosecuting Attorney. You don't be-lieve, do you, Mr. Naylor, that any person whe lives with more than one woman as he wives, in pursuance of the guilty of a crime? Mr. Naylor. Guilty of the crime of adul-try? Mr. Naylor. Guilty of the crime of adul-try? Mr. Naylor. I beli we that he can com-mit adultery, but not with his wires. Mr. Naylor. I beli we that he can com-mit adultery, but not with his wires. Mr. Naylor. I beli we that he can com-mit adultery, but not with his wires. Mr. Maylor. I beli we that he can com-mit adultery, but not with his wires. Mr. Maylor. I beli we that he can com-mit adultery, but not with his wires. Mr. Maylor. I beli we that he can com-mit adultery, but not with his wires. Mr. Maylor. I beli we that he can com-mit adultery, but not with his wires. Mr. Maylor. I beli we that he can com-mit adultery, but not with his wires. Mr. Maylor. I beli we that he can com-mit adultery, but not with his wires. Mr. Maylor. I beli we that he can com-hand and plotures of poverty on the other, how many withstand the temptation? Some do withstand it and it is from such that we obtain possession of the details of the in-formance adverter at the system of the details of the in-formance adverter at the system of the temptation? Some do that a charactery with a system of the in-formance adverter adverter at the system of the details of the in-formance advertery. The system of the temptation? Some do that acharactery with a system of the details of the in-formance advertery. The system of the details of the in-formance advertery. The system of the details of the in-formance advertery. The system of the details of the in-formance advertery. The system of the details of the in-formance advertery. The system

may have at the same time, you would not find him guilty of that charge, would you? Would not that influence your verdict when you came to pass upon his guilt in Discator Count .-- This morning a lengthy that regard? Mr. Naylor. It certainly would in refer-

discussion took place as to the mode of peremptorily challenging jurors, in which the position assumed by the prosecution, namely, that the Terriforial statute which awards an equal number of challenges to prosecution and detence, should be applica-ble in the Hawkins case, was sustained by ence to his own wives. Mr. Miner. Would such a revelation have any influence in determining your udgment in a case where the woman was the Court.

The jury were finally completed about half-past 5 o'clock this afternoon, and were sworn to try the case. The assistant prosecase. Prosecuting Attorney. That is, if he were a gentile you would find him guilty; but if he were a Mormon, and were living in

ter of the defendant. Mrs. Harriett Hawkins was then called

to the stand, and was about to be aword, when Hon. Thos. Fitch, one of defendant's counsel, said before proceeding further he wished to examine the lady on her voir dirs. Being duly sworn for that purpose, the following questions were saked and an-

wers given What relation, Madam, if any, do you oc-cupy towards Thomas Hawkins, the de-fendant in this case ?

I am his wife. His lawful wife? Yes, Sir.

Then, addressing the court, Mr. Fitch

"If your honor please, I shall object to any evidence being given by this witness, and as the authority which I design to eite in support of this proposition, expresses the reasons sustaining it so much clearer than I possibly can, I will proceed at once

to read it." The learned counsel then commenced his argument, quoting from Greenleaf on Evi-

dence. He was continuing when we went to press.

M sanaques at Deseret Telegraph office for M. T. Coyne, G. W. Boyd and Quince Knowlton.

FRANK LESLIE'S



The Singer nees a SHORT STRAIGHT NEEDLE, which is not liable to break or min

Mr. Naylor. I beli we that he can com-mit adultery, but not with his wives. Prosecuting Attorney. Now, supposing that the evidence should show that he is living with his wives, that is, such wives. as the church of which you are a member recognize, would not your bellef in that re-gard influence your verdict when you came to pass upon the question of adultery? Would you, in a case of that kind flud a man guilty of adultery? Mr. Naylor. I do not see that a man can commit adultery with his own wives. Prosecuting Attorney. That is the point. Well, if he can not commit adultery with his own wives, no difference how many he may have at the same time, you would not

DISTRICT COURT.

Yesterday afternoon the formation of the petit jury in the Hawkins one was pro-ceeded with. In answer to the order of the court and the summons of the Marshal the court and the summons of the Marshal several more of the regular pannel were in attendance, the absentess, unless excused, were fined twenty-five dollars each, and an order was given for attachments to be issued

in their cases. When a jury of twelve men had been obtained, and the challenges for cause commenced, the following colloquy took place, the juryman under examination being Mr. William Navior, of this city, the questions being put by the Prosecuting

Q. Mr. Naylor, are you a citizen of the United States?

A. Yos sir. Q. Have you served as a juryman in this or any of the District Courts of the Territory within the past two years? A. I have not.

A. I have not. Q. Do you believe, Mr. Naylor, that a person who lives in polygamy—a member of the Mormon Church, can be guilty of the crime of adultary? Mr. Miner, defendant's counsel, said: Que moment. If the Court please, a man's belief is his own property, and the defendant in this case is not on trial for polygamy, and the question is improperly put. If the gentleman insists on the ques-tion, I shall ask that it be put in writing and left on record. left on rec

ating Attorney. I do insist on the

Mr. Miner. Please put it in writing then. Court to Prosecuting Attorney: Now re-cent your question, and I will take it lown.

Attorney. I will change the form of the question. Question Remodeled: Do you believe, Mr. Naylor, that a member of the Mormon Church who is living with more than one woman, as his wives, is guilty of the crime of adultery?

f adultery? Mr. Naylor. Well, I do not know that I ave any belief about it. I am not a olygamist myself and have not given it have any

Mr. Naylor. It would depend altogether whether he abused his women. Prosecuting Attorney. If he did not, would you think it was wrong?

Mr. Naylor. I could not say. Prosecuting Attorney. Take a case in which he treats his women as well as man

hem in pursuance of revelation? Mr. Naylor. I believe if he did not treat not they shall commence to work ini- his wives with due respect he ought to be punished.

Prosecuting Attorney. Ought he to be punished for adultery? Mr. Naylor. Of course it would not be adultery if a man did not treat his wives as he ought to do.

Prosecuting Attorney. But if he treats his wives properly, no matter how many he has, you do not believe he ought to be committed for adultery if he lives with

committed for adultery if he lives with them in pursuance of revelation? Mr. Naylor. I do not believe he ought any more than Abraham or Isaac. Prosecuting Attorney. Wall, would you under these diroumstances, under any state of the evidence, convict a man of that kind? Would it not influence you in your deliber-ations in the jury room? Mr. Naylor. Not unless 7 - deserved it. Prosecuting Attorney. Well; but if he id not deserve it would it not affect your perdict? Mr. Naylor. No. I do not think it would.

Mr. Naylor. No, I do not think it would of far as right goes.

Prosecuting Attorney. But you believe it is right if he treats his wives properly; could, it then do other than affect your ver-dict if he lives with his women properly when you come to consider the question as to his guilt of adultery?

Mr. Miner. I submit, if the Court please

that the examination of the jurors lu the manner that it has been conducted by the prosecution in the case, is entirely contrary to every known principle or rule of law. Court. I have pessed upon that, and have decided that he might ask these questions,

and have noted your exception to my de-

Prosecuting Attorney. The juror did not answer my last question, I will put it

polygamist myself and have not given it any study at all.
Mr. Miner. You need not answer the question, Mr. Naylor.
Presecuting Attorney. I will ask the juror another question. Do you believe, Mr. N. that the doctrine of polygamy is a revelation from God to the Church of Jesus Christ of Latter-day Saints?
Mr. Miner. I object.
Prosecuting Attorney. And, if so, would that belief influence your vertiles in a case in which the practice of polygamy was involved?
witness disqualifies him.
Mr. Miner. Naylor. if the evidence committed adultery, is there anything in your mind or belief, or otherwise that would interfere to prevent you from rendering a verdict of guilty, should the evidence of warrant it ?
Mr. Miner. I object.
Mr. Miner. I will put the same question in another form.
Q. Have you any conscientious scruptes, abould the evidence.
Court. Wait a moment.
Question Centined. Warrant a verdict

whatever to the Court, because we do not suppose that we are here on trial for mar-rying or for stealing, or for committing murder, or any other offence than that charged in the indictment; and we suppose we are under trial for that offence, accord-ing to the well-known and established rules of law, without any reference whatever to the religious belief of the defendant in this Prosecuting Attorney. Now, on the re-igious phase of this examination, the gentleman referred to it as though it were an

established fact that men were never interrogated as to their religious belief in matters of this kind. But it is a common occurrence for Quakers, who are opposed to capital punishment, and this is one of the tenets of their faith, to be examined as to their belief in this regard. Now the only object of this examination is to show that this juror has a belief which, in one that this juror has a belief which, in one phase of the evidence, and a phase that may arise in the case, would influence him not to convict, or not to consider a man guilty of the crime charged here who lives in the relation which he has mentioned. That is, if he lives with a dozen wives in pursuance of this revelation he speaks of he does not believe he can be guilty of adultery; and by reason of this belief he stated that he would not find a man guilty

under these circumstances. Now, your honor knows from the preliminary exami-nation in this case, that this is exactly the state of evidence that will arise in the case -that this man is a member of the Mor-mon church and lives with these wives claiming them as lawful wives, in pursunce of this revelation.

ance of this revelation. Court. Although the juron's answers have been quite contradictory, very likely because ha did not ully understand some of the ques-tions, yet I understand him, upon the whole, to s y, and he will correct me if I misunderstand him, that he believes in a revelation from God, under which men may rightfully have more than one woman to live and cohabit with as wives at the same time? Mr. Neylor. Yas Sir, I be leve that. Court. And that it would not be ju t and right to convict such a man of adutery for such conduct. (To the juror) Do I understand you?

Mr. Naylor. Yes Sir. Mr. Naylor. Yes Sir. Court. As a judicial officer I cannot take cogn succe of auy such alleged revelation from God. I am governed by the written law. The jaror says I understand him correctly, and with that understanding I must hold that, in this case, he is not a proper juror. Deendant's counsel gave notice of exceptions to the ruling of the Court.

THE NORMON IMBROGLIO.

THE RORMON INDEAD OF A CONTON TO MY de-cision. Prosscuting Attorney. The juror did not answer my hast question, I will put it again. Q. Now would not this belief of your, that you have referred to, that polygamy is a divine institution revealed by God, that a man who is living with several vives and treats them well, if that should appear in the oridence, affect your de-tiberations in the jury room when you consider the guilt of that man with regard to the question of adulters. Mr. Naylor. No, I don't think it would. Prosscuting Attorney. You have said you do not think a man should be punish-d to he question of adulters. Mr. Miner. If the Court please, I submit, please your honor, that the answer of the regard to polygamy. The infictments have of mines dequalifies him. Mr. Miner. If the Court please, I submit, the witness diqualifies him. Mr. Miner. If the court please, I submit, the more by a spirit of persecution than a de-strate to belief, or otherwise that the dingualifies him. Mr. Miner. If will put the same question to an on belief, or otherwise that monther form. Q. Have you any conscientious sort please. Mr. Winer. I will put the same question and the vidence. Mr. Miner. I will put the same question and the sorted more. Mr. Miner. I will put the same question and the sorted more. Mr. Miner. I will put the same question and the sorted more. Mr. Miner. I will put the same question and the sorted more. Mr. Miner. I will put the same question and the sorted more. Mr. Miner. I will put the same question and the sorted more. Mr. Miner. I will put the same question and the sorted more. Mr. Miner. I will put the same question and the sorted more. Mr. Miner. I will put the same question and the sorted more. Mr. Miner. I will put the same question and the sorted more. Mr. Miner. I will put the same question and the sorted more form. Mr. Miner. I will put the same question and think of the more of adultery agains' Mr. Miner. I will put the same question

Mr. Miner. The counsel for the defend-ant has made no suggestion or infimation in the case. The record does not disclose the existence of any such fact, and the counsel has not made any such infimation in the case. The record does not disclose the existence of any such fact, and the counsel has not made any such infimation

Being the Pietorial History of the Times. The only original American Illustrated Paper pub-lished, made entirely up of orignal atetahes made by American artists. Full of first-diam original reading matter, by the most popular writers of the day. Every number contains over 20 beautital pictures, engraved in the high-est style of art. Terms. H a year. Frank Leslie's Chimney Corner:

The most extensively likestrated Family Story Paper in the world Once every month a Fash-ton Bupplement is given grats containing over 60 iffustrations of the latest styles dresses, bonnets, garments, children's dresses,&c. \$4 a year. Frank Leslie's Boys' and Girls' Weekly:

The most popular Boys' and Girls' paper ever published. Full of pictures and amusing sto-ries. Terms: \$2.50 a year. Frank Louis's Disstrated Soltung:

The great organ of German intelligence. This is not a translation of Frank Leelle's Illustra-ted newspapers, but entirely original and es-pecially adapted to the German community. Terms: 54 a year.

Frank Leslie's Lady's Magazine: The is ding Fashion Magazine in the would, with a four page plate of fashions, and three splendid pages of colored Fashion Plates. Each number has a full sized pattern of the most fashionable garments of the day. Terms: \$50 a year. Each number contains over 100 bean-ting therewither. ul engravings.

Frank Lealie's Pleasant Hours: Frank Leslie's Budget of Fun:

Proparing for Publication-Frank Les-lie's Illustrated Family Almanac: With 50 illustrations, and 4 splendidly col-ored shromo-lithographs. Price 50 cents. Frank Lealto's Comic Almanac: With 5) illustrations. Price 15 cents. Omes a Weeks

An illustrated paper especially adapted for the Ladies Full of fashions, original stories, and society news. Price 6 cents.

ŝ

m

0

O

at

0

0

0

E

1.0

L

The Best and Chespest Illustrated Paper ever published for the Ladies. diff Sm

T

R



A Complete Line of

Table Cloths, Napkins and Boylies

A large assoriment of Genta' Buck Gloves

Hats and Caps, etc.

The Public are invited to examine before

W. B. WILKINSON,

SALT LAKE HOUSE.

.83006

West Side East Temple Street, nearly opposite

COME AND SEE

The splended Stock of

purchasing elsewhere,

Ladies' & Misses' Kid & Berlin Gloves, Implements,

Millinery Goods.

White Goods and Notions,

Hosiery in all its Branches, · A Splendid Lot of Towels,

Ladies' and Gents' Underwear,

A complete Stock of Boots and Shace,

din ly

the stitch. Many other Macuines use a long crooked needle, which is itable to break and to miss the stitch. In the Singer Machine the Shuttle is earried, thus avoiding nearly all wear. It requires no oil, and does not soil the thread or goods. Other Machines drive their Shuttles, in a ran, thus causing great wear, and repairing of soiling the thread and goods.

On the Singer, the Tansion on both the upper and lower threads is absolutely under the ready control of the operator, thus rendering the Machine always available for good sewing, which is not the case with any other. Many so-called cheap Machines are really worthism, and so are many of their new peopliarities and supposed advantages.

The SINGER is the

Oldest Practical Sewing Machine,

Being about twenty years in the market, Having been constantly improved by tasks-ployment of the most skilled ingenuity of the Having been constantly improved by includ-pioyment of the most skilled ingenuity of the age and unlimited capical, it is now diversed of all unnecessary parts and possesses All the Very Latest Inventions and Improvements. It is the only Mashine sold out Honest Claims, as all its parts are Practical and will do all the is claimed for them. Some other Machines are Greatly Complicated, to do Useless and Silly things, and thus are rendered Lisable to Om-stant Derangement. The Singer Soldom of Never gives trouble, but is readily and shelly managed by those who suberty foll on other Machines.

SINGER'S

Ar Constitution Buildings .et

rehasers can here find at

MMENSE STOCK

And in each branch a great variety;

All on the pr mises.

CLOTHING DEP"

. OOIX Macalaery,

Tools and

New Manufacturing Machines Claim the same ad vantages over others of their class as the new Family Machines. These old and well-tried Bewing Machines are applied to all hinds of heavy and light manufacturing is Glothe, Leather, etc., and run in the most perfect and reliable mauner without truchs to the

HAVE ARRIVED!

A Full Assortment of those

Beautiful and Unrivated

MACHINES.

(The numbers on which show a manufacture of between Five and Six Hundred Thes-sand.) Consisting of the Different Variation made by the Binger Manufacturing Company and we shell sell at Eastern Prices, etth sati-tion of Freight only. To accountionate parties who cannot pay all down, we will sell on



So that all may possess one of these Musica For 1' C invenience of an Patrons we have engaged the services of a gentleman who have had twenty years experience and is one of the most skillful experience and is one of the and adjusting Sewing Machines. He yill put each Machine in complete and practical re-ning order before it leaves the institution and will also impart to purchasers all needful in-struction, so that they can all once commons work.

We resort to no trickery whatever to set Sewing Machines, but allow their Great Merits to recommend them. We can do this, as the demand for them is so great that although the Singer Company make more that all other first-class company make more that cannot mearly fill their orders, and ar som pelled to will extend their Gigantic Works

We having been sy fariuth and to seems th

General Central Agency,

Miners' Supplies a Specialty The number are

For this Territory, we extend a o rdial inclu-tion to all to come and see the Machine whether they wish to buy or not. See if others, but do not buy without you en-

We Guarantee every Machine st sell 'o give entire satisfaction.

