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BAR ASSOCIATION.

the greater that the order sought to be established to the people of the Territory is a separate article, in order that they may have a full and fair opportunity to express their sentiments on it. The speaker also took a decided stand against the constitutional prohibitory clause, as to the manufacture and sale of intoxicating liquors. Mr. Varian, in concluding, suggested that there should be a change in the system of pardoning criminals, and stated in his opinion the matter should rest with a board consisting of the governor, judge and attorney general or secretary of state, which board should at stated periods, in public session, where the action would be open and its decisions consequently respected and confidence. He also took issue with Judge Hollenbeck's views on the abolition of the jury system.

Reports were then called for. One was received from the treasurer showing receipts to the amount of $[illegible], and disbursements to the sum of $[illegible], leaving a balance of $[illegible].

The meeting adjourned until 10 o'clock this morning, after having transacted some routine business.

Today's Proceedings.

The meeting this morning, which began at 10:15, was called to order by President Hollenbeck.

The first paper read was by ex-Chief Justice C. S. Zane, the subject chosen by him being "The Constitution."

It was set forth in the outset that after a territorial existence of more than forty years, the United States government had passed an act enabling the people of Utah to erect a state government. The limitations upon the powers of the state and the guarantees for it to exist must be expressed in the Constitution, according to the will of the people. That the government established might be in harmony with the principles enunciated in the Declaration of Independence, its Constitution and laws must be equal to all men, and they must protect every man in his rights to life and liberty, and in the right to pursue happiness in any legitimate field of human effort. The state must be based upon the will of the people, and that its Constitution might continue to be an expression of their will, a method must be provided by which amendments to it could be speedily made, so the necessity for them should appear with growth and progress, with the progress of thought and the advancement of knowledge, and as invention and discovery should go on, and observation and experience should reflect more light on the pathway of the citizen. That the government so established might secure domestic tranquility and respect abroad, it must possess sufficient power to vindicate its authority. While statehood would effect a complete change in the form of our local government, the office of the judiciary would remain as distinctly left by the people as the classes of them now anticipated; for much of the great system of laws known as the Common law would, in all probability, be recognized and permitted to remain in force.

While the knowledge and thought of the present generation might extend say that had gone before, we should not depart without due consideration from the rules and laws which civilization had named—we should not immediately turn away from the paths in which our fathers had trodden.

In their Constitution the people might dispense with a jury in any case, or in any class of cases, or they might say how many persons should compose a jury, or that any number not less than a majority might render a verdict and prescribe their qualifications, or they might leave the whole subject to the Legislature with such directions and restrictions as they might determine. The right to a trial of issues of fact in criminal and other law cases by a jury of twelve men had existed so long that a proposition to abandon it or make any material change with respect to it would meet with much opposition. The tribunal most likely to ascertain the truth should be selected to try issues of fact, for truth was the end to be reached. Just verdicts did not depend so much on the number of jurors as upon their intelligence, impartiality and moral power—their intellectual capacity, integrity and fairness. They ought to be selected with regard to their qualifications and the time to discharge the duties of jurors. Their qualifications might to be ascertained by higher standards and more rigid tests than were now employed. At the common law ascertaining jurors were made by bailiffs, and in the Territory ascertaining of jurors were made by the same process. In some of the states information filed by a prosecuting officer was substituted for indictment in all cases. This, the speaker believed, was the better method, unless the south exercised that the ends of justice demanded a grand jury to investigate particular charges.

Corporations were authorized by the state upon the assumption that their existence would tend to the public good, for the purpose of enabling their shareholders and officers to enjoy exclusive privileges and benefits through them, to the injury and detriment of the public. Such franchises should not be allowed to be made as beneficial monopolies to raise artificial business conditions and to secure monopolies, thereby to obtain great wealth and power and to which it applies the economic good. Their powers should be limited, private rights protected and the interests of the public safeguarded against their encroachments.

Judge Zane then dealt with the question of reasonable compensation for the use of capital employed in certain classes of business, the fixing of maximum passenger tariffs and freight rates, etc. A proposition regulating such legislation should be embodied in the Utah Constitution.

Experience and observation had also shown the necessity for constitutional provisions that the constitutional which municipal corporations might have.

As to the mode of compensating county officers, Judge Zane expressed the opinion that it was relief to which those who entertain such views should be free to use the law they might enjoy and to which the people would be entitled. Home to charge persons who required their services their fees. I was better to require all such fees to be paid into the county treasury. The Constitution should require the Legislature under it to pass a law requiring that such officers should be paid out of county funds to fix the amount of such fees. Fees are in their nature, the amount necessarily for such, like, Money, not and other expenses.

Constitutions and laws should be so framed as to secure an honest expression of the will of the people. The ballot, the vital element, should be influenced by fear and intimidation, by trust or bribery, or any other improper motive. The man who sold his vote, who bought one, who knowingly cast an illegal ballot, who handed another to do so, who put a ballot in the box after the poll had closed, who wrongfully took out or changed one when the poll had been opened, should be condemned as a felon and severely punished, received infamous and to lowest degrees of the elective franchise. By such conduct a man proved that he was less worthy to be a citizen of self-government than somebody to be entrusted with the right to the elective franchise.

In forming a constitution it would be necessary to draw all reasonable inferences from the lessons of the past, the observations of the present and the prospect of the future. In forming such an instrument the convention should the above passions and prejudices in relation to capital and labor, politics or religion or any other subject.

ATTORNEY GENERAL'S REPORT.

The next paper was by Attorney George Sutherland, the subject treated by him being "The situation, issues and responsibilities of the judiciary." The speaker contended that without an honest, capable and independent judiciary no state could long maintain its dignity and respectability among the people of the earth. Proceeding to discuss the question how the judges of the new United States should be selected, by appointment or election, Mr. Sutherland favored the appointive method. To put a man on the bench who looked to popular or party favor for recognition, he said, destroyed his independence to a large extent. It he never so honest and high-minded unconsciously it might be so himself, his decisions were influenced by popularity or party clamor, against law and justice. Through the medium of conventions he was in campaigns for the judicial office became a commodity of barter and sale; the man who was the most active in party work and contributed the largest contribution for his party's expenses having the best chance of receiving nomination and consequently many of the same influences were that came before the courts were election cases, where partisan feeling often became extremely intense. In such a matter no more politician who owed his office to a party could be honest to the exact and even-handed justice between the opposing litigants, and they instinctively knew, with much reason, that our judges should keep aloof and be politics while on the bench. Under the appointive system there was infinitely more probability of judges being entirely relieved from the influence of his political condition.

The speaker said nothing was so destructive of the independence of the judiciary and so conducive to the production of "spoot judges" as short terms. The term of the supreme judges should not be shorter than ten years and that of the appointive judges longer. The best plan, indeed, after all, was that of appointing judges for life, or during good behavior. In that case the judiciary would be removed from the influence of the people. It would be necessary to the legislature to remove any judge by a two-thirds vote, and the people would thus be amply protected against corruption or incompetence.

As to compensation the judges, in his opinion, should receive at least $5,000 per annum and there should be a provision that the amount could not be reduced during the term of the judge. An able and intelligent judge would readily give the increased amount of his salary by the increased dispatch of business and the certainty of his decisions. To lawyer of sufficient learning and ability to serve the state with credit upon the bench would afford or give up his private business for less than $5,000 per annum.

With wise provisions to our constitution upon these matters, the best material which the bar of the district could be had and a judiciary established that would command the respect and confidence of the people.

JUDGE SCRIPPS'S PAPER.

"A System of State Revenue by Indirect Taxation" was the subject dealt with in an able paper by Judge H. W. Scripps. He said the question of state revenue by state taxation was to the minority extent the same inquiry as of state government, and is the work of bringing the organic law of the new State of Utah. The convention now to assemble would have no more important matter to deal with. It was pointed out that the present raised direct taxation was higher than the people would continue to pay without serious discontent, and that the revenue from the present system was wholly inadequate to the requirements of the territorial government, to say nothing of the expense incident to state government. The speaker suggested that instead of following the old system that by simply providing for the required increase of revenue by the levy of increased direct taxes, the Constitutional Convention should look about for other available sources of revenue that might be taken upon indirectly for this purpose. He almost believed that a system could be devised whereby all revenue for state expenditure might be obtained by indirect taxation without wrong of oppression to anyone.

There would perhaps be no objection by any reasonable man to the proposition to tax the net product of mines. Their property was exempt from taxation, and that time when mines were yielding net income should contribute a reasonable part of it to the state was certainly fair. The state taxes to the miner of a license or license in an amount equivalent to the revenue was collected with license or income. The professional men, lawyers and physicians especially, lives by their wits and not their money, enjoyed more talents and profits of government protection than all other classes of citizens of the state, and he thought it no just that they pay a reasonable proportional tax direct to the state government.

The net tax on such rates and the revenue from them and of course should certainly be provided for.

Railroad and mining corporations should be exempt from all property tax for county or municipal purposes. In other words, the payment which they would make under such system should be accepted in lieu of all other taxes for such purposes.

He did not know if the railroad corporations would yield a system of taxes because of the one for property, but it seemed to him that a tax on their gross earnings would be just and equitable. He was not prepared to say that such a system would be equitable to the public, but he left the suggestion with the public.

C. S. ZANE'S ESSAY.

The program for today was included the action of Attorney Charles S. Zane, who had promised to read a paper on "Constitutional Provisions Relative to Water and Water Rights" and it was

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was appointed with Mr. Kinney between unanimously called away from the city and therefore would not be present. This information was conveyed by Justice Orson H. Smith, and as the paper will be printed with the others in the semi-annual, it was decided to omit its reading now.

The afternoon session time of the association is being devoted to miscellaneous business, including the election of officers for the coming year and the discussion upon the papers previously read.

Madsen Again Wild.

The police this afternoon again arrested Jacob Madsen, who was laboring under one of his periodical spells of insanity. The poor fellow was located up, pending an investigation.

Fire Chief Devine Ill.

Fire Chief Devine is confined to his room with an attack of la grippe. It is thought, however, that he will be able to resume his official duties within the next few days.

Woman in Saloons.

George Davis and T. H. Bennett, representing the Kit and Mint saloons respectively, are under arrest by the police for allowing females in their places of business after 9 o'clock at night. The objectionable issue in each case is Ada Gerschamp, sister of the noted sporting house proprietress of that name. The cases were continued to be heard tomorrow and the other on Thursday.

Postponed.

The meeting of the Tabernacle quorum of Elders will be postponed until the second Monday in February, to be held in the Third Ward meeting house, at 7:30 p.m., by order of Thomas Stevens, president.

Resumes Tomorrow.

The Territorial Supreme court will resume operation at 10 o'clock tomorrow morning.

President's Address,

Wheatley, Nun County, Utah,
Jan. 11, 1895.

Editor Deseret News:

I see by perusing the semi-weekly News of January 11 that the Elders are laboring in South Brisbane, Australia, and I have relatives to visit there. Would you be so kind, through the News, as to give the address of the presiding Elder laboring in that locality, so that we can correspond with him.

J. A. QUIBERAN.

Following is the address of the gentleman of that inquiry:

Wm. Gardner, care J. H. Peters, P. O. Box 226, Auckland, New Zealand.

Land Office.

The following filings were made in the local land office under date of Jan. 14:

John Garrick, of Grantsville, Tooele county, homestead entry of the west half of the northwest quarter of section 9, township 3 south, range 1 east, containing 80 acres.

Leander Bentley, of Salt Lake City, desert entry of the southwest quarter of the southeast quarter, the southeast quarter of southwest quarter, the northwest quarter of the southwest quarter, the east half of the southwest quarter and the west half of the southeast quarter of section 25, township 13 south, range 1 west, containing 280 acres.

Alvin N. Sheppard, of Milford, Beaver county, desert entry of the southwest quarter of section 28, township 28 south, range 13 west.

A Small Assignment.

James H. Banks, of Salt Lake county, this afternoon filed his assignment in the office of the county recorder, with liabilities estimated at $[illegible]. Harrison Brooks is the assignee.

Ballot for U. S. Senator in Idaho.

BOISE, Idaho, Jan. 15.—The ballot for United States senator today in joint House—Shoup, Republican, 11; Sweet, Republican, 13; Robert E. Brown, Independent, 1; Heyburn, Republican, 2; Claggett, Republican, 8.

Senate—Shoup, 2; Sweet, 9; Claggett, 6; Full Regal, Democrat, 1.

OGDEN.

OGDEN, UTAH, - Jan. 15, 1895.

Tabernacle Services.

At the Tabernacle services yesterday morning, in continuation of the Weber Stake quarterly conference, Apostle Franklin D. Richards spoke upon the necessity of keeping the records of the different quorums correctly.

At the afternoon services Apostle Brigham Young discoursed upon the subject of tithing. Apostle John W. Taylor occupied a short time showing the necessity of parents being patient and kind in encouraging and correcting their children.

Conference was adjourned for three months.

Miscellaneous News Items.

Samuel Hallow, 55, of Louisville, Idaho, and Miss Cora Taylor, 21, of Hunterville, received a license to marry.

Judge Kiesz granted a decree of divorce to Mary H. Barber from her husband, Benjamin Barber.

A case of diphtheria has developed in the family of E. Pinder, 148 Twenty-third street.

Mr. Evans, of the Utah Furnace and Manufacturing company, leaves for Pennsylvania tonight to purchase the furnace and machinery for the plant herein.

COMMERCIAL.

SALT LAKE CLEARING HOUSE.

Today's clearing house exchanges amounted to $[illegible], balances $[illegible].

SILVER QUOTATIONS.

New York.—Silver, 65½; lead, $3.00.
London.—Silver, 32 4-16d.

ORE AND BULLION.

Wells, Fargo & Co. received today: Peoria bullion, $[illegible].

T. R. Jones & Co. received today: [illegible]

Gross, $[illegible]; bullion, $[illegible]. Total, $[illegible].

The Cooke & Co. received today: Silver and lead ores, $[illegible].

REAL ESTATE.

[illegible]

STOCKS AND BONDS.

New York, Jan. 15.—The general market opened firm, confident tone prevailed for a time, but a reaction set in and the market closed quiet and generally lower. Sales aggregated [illegible] shares, including [illegible] Sugar, [illegible] Rock Island, [illegible] Lackawanna, [illegible] Western, [illegible] Northern Pacific preferred, [illegible] Pacific, [illegible] Central, [illegible] Lake Erie and Western, [illegible] Lake Erie and Western preferred, [illegible] Central, [illegible] Southern, [illegible] Southern preferred, [illegible] Pacific, [illegible] Pacific preferred, [illegible] Texas Pacific, [illegible] Union Pacific, [illegible] Wabash preferred, [illegible] Wabash preferred, [illegible] Wabash preferred, [illegible] Western Union, [illegible] Sugar, [illegible] Tobacco, [illegible] Leather, [illegible] Leather preferred, [illegible] Cordage, [illegible] Cordage preferred, [illegible] Tennessee Coal and Iron, [illegible] Iron and Steel, [illegible] Iron and Steel preferred, [illegible] Gas, [illegible] Gas preferred, [illegible] Cotton Oil, [illegible] Cotton Oil preferred, [illegible] Tobacco, [illegible] Tobacco preferred, [illegible] Express, [illegible] Express preferred, [illegible] Express, [illegible] Express preferred, [illegible] Express, [illegible] Express