

A DAY IN COURT.

We were standing in front of the News Office on Saturday afternoon when a man stepped up, and in a humming, indistinct voice, informed us that he summoned us as a Grand Jurymen, and that we must appear, "under penalty of the law," at ten a.m., Monday, at the Third Judicial District Courtroom. He gave us no written notice as the law requires shall be done in summoning jurors; but knowing that we live in a Territory where the whim of Judges is called law, and having a desire to show our willingness—though being an editor we are exempted by law to serve as a Jurymen, we repaired yesterday morning, at the hour named, to the room over the stable. The Judge had not made his appearance, but in a few minutes he took his seat, and the Marshal announced, in the usual form, that the Third Judicial District Court was open. We were struck with the altered appearance of the Chief Justice since we last saw him. Upon his arrival in the Territory we met him, and though he did not, at that time, have a very healthy-looking countenance, it was in marked contrast with his appearance yesterday. Had he been in any other position we would scarcely have recognized him. Sad work over-riding the law, trampling upon the rights of the people, and leading oneself to be the tool of a "ring" for the sake of office! His Honor's rulings, rulings and charges have had a far worse effect upon himself, if we may judge by his appearance, than they have had upon those for whose injury they were intended. The latter have neither the recollections nor the forebodings to harass them which seem to oppress him and drive peace from his heart and life from his face. After the clerk had called the names of the persons summoned as Grand Jurymen, the Court informed them that, as there were several gentlemen out of town who had been summoned, they were

DISMISSED UNTIL 2 O'CLOCK.

Sometime after that hour, the Court was opened, the names of the persons summoned were again called, and eighteen were present. The Marshal was sent out to summon others and, after a short absence, returned, having picked up in the streets the number considered necessary. At this point Judge Hoge

CHALLENGED THE WHOLE ARRAY, submitting his reasons for so doing in writing. Mr. Fitch, Major Hempstead, Mr. Miner, General Hoggan and we think Mr. Carter, and probably one or two other lawyers, did the same. Their reasons for thus challenging the whole array were argued upon the court when the last Grand Jury was impaneled, but were overruled by the Court. They were to the effect that the said Jurymen were neither drawn by the proper officer nor according to the Territorial law. The law states plainly that "when a District Court is to be held, whether for a District or for a County, the clerk of said Court shall, at least thirty days previous to the time of holding said Court, issue a writ to the Territorial Marshal," &c. "Upon the reception of said writ,

THE TERRITORIAL MARSHAL OR SHERIFF,

as the case may be, shall proceed to the office of the Clerk of the County Court of the county from which Jurors are to be summoned, and the said Clerk shall, in the presence of the officer, thoroughly shake the tickets previously deposited in the box or other safe place of deposit, and draw therefrom promiscuously, the number of Jurors required to be summoned from such county for Grand Jurors and for Petit Jurors, keeping separate lists, and those drawn for Grand Jurors shall be summoned for Grand Jurors, and those drawn for Petit Jurors shall be summoned for Petit Jurors, which lists shall be signed by the Clerk and officer having said writ, and filed in the office of said Clerk. The Court shall impanel out of the list summoned as Grand Jurors fifteen eligible men to serve as a Grand Jury," &c.

If this law passed by the Legislative Assembly is worth anything, the Grand Jury last summoned, or that summoned yesterday, is no more a legal body, possessing legal functions, than if

CALLLED TOGETHER BY TOM NOAKES, for not a requirement of the law has been complied with. Of course lawyers know this; but what can they do with such scoundrels in law on the bench to rule law out, or rule it in, to suit a pre-arranged programme? They can only wait; in the meantime they wish these points saved for the purpose of taking appeals, in case their clients, now being held to bail or in custody, and awaiting indictment, shall be convicted. We have conversed with many sound Jurists, and they have expressed but one opinion upon the action of the Court upon these points—their rulings and decisions will be blown to the winds whenever brought before a competent and unprejudiced tribunal, or be preserved on record as a

MONUMENT OF THE FOLLY OF MEN who, because appointed Judges, imagine the legislative and judicial functions are combined in their previous persons. The lawyers' reasons for challenging having been filed with the clerk of the Court, the Judge stated to persons summoned that it was doubtful in convenient for them to leave their business to be there, and if any of them had any particular reasons to assign for being excused he would listen to them. This he repeated so often and with such emphasis that he convinced us he was anxious

TO LURE THE "MORMONS" summoned to ask to be excused. This would doubtless have suited the "ring." How convenient it would be for officers to say: "We summoned old citizens, but they asked to be excused." The Marshal had plainly violated the law in summoning an officer of a newspaper to serve on a jury; but after being summoned, if we did not serve we received it should not be our fault. Having finished this part of the business, the court requested the Jurymen to stand up and swear that they would answer

the questions which would be put to them by the Court. The first name on the list was then called by the acting prosecuting attorney, and the following questions were propounded:

Pros. At. "Are you a citizen of the United States?"
Prospective Jurymen. "Yes."
Pros. At. "Are you a resident of this Territory?"
Prospective Jurymen. "Yes."
Pros. At. "Are you a tax-payer?"
Prospective Jurymen. "Yes."
Pros. At. "You'll do, Mr. — (calling the second name on the list) stand up."

The person addressed arose, and answered these same questions in the affirmative, and was told he would also do. The third and fourth names were then called with similar results. These were soon got through with, and were only questioned for form's sake, and with a design not to appear too eager to reach the points which the Court was anxious to make. Skipping upwards of a dozen names, our name was then called and we were addressed, the attorney apparently reading the questions as he asked them, though he afterwards denied having written them. We find, however, that, notwithstanding his denial, the general impression among those present is that they were written and that they had been prepared beforehand by the "ring."

Editor of THE DESERT EVENING NEWS.

"I am."
Pros. At. "How long have you been a resident of this Territory?"
Editor. "Twenty-four years, though I have not resided continuously in the Territory for that period."

Pros. At. "Are you a member of the Church of Jesus Christ of Latter-day Saints?"
Editor. "I am."

Pros. At. "Is not polygamy one of the fundamental doctrines of that Church?"
Editor. "Plurality of wives is a doctrine of the Church."

Pros. At. "Do you believe the revelation which teaches this doctrine to the Church to be from God and binding upon his people?"
Editor. "I do."

Pros. At. "Which do you believe ought to be obeyed, the revelation or the law?"
Editor. "When a case arises in which they come in conflict, then I shall be able to decide."

Pros. At. "Do you not think the revelation superior to the law?"
Editor. "My views upon this are known through my public utterances."

Pros. At. "Do you believe that a man, in marrying more than one wife, commits adultery?"
Editor. "I do not, if he marries them according to the revelation."

Pros. At. "You do not believe this to be adultery?"
Editor. "I do not."

When this last reply was made the attorney turned to the Judge and submitted the case to be excused from the jury, as it was the intention to try and indict a man for adultery who had more than one wife, and probably other ones of the kind, he

WOULD NOT SUIT THEIR PURPOSE as a Juror. The Court at this juncture was particularly bland, his manner was almost affectionate as he asked the question: Judge. "Did I understand the gentleman to say that he did not believe it to be adultery for a man to have more than one wife at a time under the revelation referred to?"

Editor. "Your honor understood me correctly."

At this the bland look and accent changed, and the judicial voice was resumed, mingled, however, with a deprecating tone that reminded us of the report that the Judge had once been a preacher. He said that the Court had decided that a man who had been proved to have three wives had committed adultery under the laws of the Territory, and that decision was law until overruled, though the trial of the man was yet to be proceeded with. The gentleman not agreeing with this decision he did not see how he could be a Juror. He then inquired if there were any more questions to be asked. No response being made, the Editor inquired:

"What am I to understand from your honor?"
Judge. "That you are excused."

Gen. H. B. Clawson was next called, and the Attorney resumed the catechism. In reply to the question about adultery, his belief, Gen. C. said, was similar to that of his friend who had been questioned. James Townsend, Esq., was similarly interrogated, and made a similar reply, and they were both excused. The prosecuting attorney, apparently sure of his men who remained, made a lumping job of them; after asking them if they were citizens of the United States, he said:

"If there are any of you who believe that a man who has more than one wife does not commit adultery, stand up." They all sat still, though

ONE APPEARS SQUIMMED, Or we fancied he did, the one who less than two years ago adduced the argument before the High Council, when tried for his fellowship, that he was not an apostate, because he believed and testified that plurality of wives is divinely revealed and a doctrine of heaven, and if he were an apostate, he would not uphold that doctrine. He remained dumb upon this point, if he had any, must have been removed yesterday. Such poor creatures have to eat a deal of dirt to gain the favor of men who, in their hearts, despise them. Again the

MARSHAL CALLED FORTH To pick up Jurors. He soon returned, and the Attorney asked them:

"Are you citizens of the United States?"
"Yes."
"Are you members of the Mormon church?"
"No."
"You'll do."

Webster's definitions of the verb to "pick" is "to put together as cards, in such a manner as to secure the game; to put together in sort with a fraudulent design; hence, to unite persons iniquitously with a view to some private interest; as

TO PICK A JURY, that is, to select persons for a jury who

may favor a party, &c." We thought of this definition yesterday, while sitting in the room over the stable and wondered what kind of a jury Bouvier or Webster would call that which was being selected.

A full panel was now, it was supposed, obtained, and the labor of selecting and catechizing Jurors, appeared to be finished, when Squire Miner arose, and cited a law of Congress which made it a crime of challenge if a man was summoned to sit as a Juror, had been summoned as a Juror or been in attendance at Court in that capacity, within two years previously. The Judge wanted to hear the law from the book, so the Statutes at Large were sent for and the law was read. During the reading, it was amusing to see the various expressions which flitted across the Judge's face. It was evidently

A NEW LAW TO HIM.

Had it been a Territorial law he could have easily set it aside, or, in his legislative capacity, over-ruled it; but it suits his present purpose to profess regard for the laws of Congress, and he allowed Mr. Miner to proceed. A better exhibition of the character of the Juries selected under the present system could not have been given. No less than

TEN OUT OF THE TWENTY-THREE JURORS

were peremptorily challenged, and declared incompetent, all having served on Juries within two years, most of them within one, and several of them on the last Grand Jury! A more ridiculous and farcical proceeding could not have been witnessed in a

BURLESQUE ON THE STAGE,

than this Grand Jury business of yesterday afforded. Had the Judge, the attorney, the marshal and the other members of the "ring" had any shame they would have blushed; indeed, all their brazen effrontery could not enable them to conceal their chagrin. Out of a city of twenty-five thousand inhabitants, and a populous judicial district, a Grand Jury of twenty-three persons is selected, and it is found that scarcely a jury has been impaneled for the past two years in this city of which nearly one-half of the twenty-three have not been members! Can any language we can use illustrate the outrageous and shameful conduct and practices which have prevailed of late in the formation of Juries in this Territory, so well as this simple statement? Is it any wonder that we have felt called upon to denounce the

ABUSES OF THE JURY SYSTEM

which exist here? After such an exposure we would like to hear the definition of the verb to "pick," from the Judges who have sat in this district. No wonder the Court wanted to adjourn, after the Grand Jury was thus burst up by law of Congress, until this morning at ten o'clock.

A more humiliating spectacle than that witnessed yesterday has seldom been seen in these United States, or indeed in any country where trial by jury prevails.

The Judge yesterday enunciated a new legal doctrine, to wit, that a man can commit adultery with his wife! He had decided, he said, upon it being proved that a man had three wives, that under the law of the Territory, he was guilty of adultery, and a man who did not believe the same view! The law of the Territory of Utah is especially severe on adulterers, the crime of adultery being particularly obnoxious to the people. No act of the Chief Justice evinces

MORE PLAINLY HIS ANIMUS and the vindictive character of his proceedings than his appeal to this law. It suits him, and is used by him because he thinks it will carry out the aim of the "ring." But why not respect other Territorial laws, the law concerning Jurors, for instance? Let that question be answered truthfully, and the explanation is obtained to all the tortuous proceedings of the "ring." Territorial law is excellent when it can be used against the people for their injury; but when its operation would insure to their benefit, who respects it? If it would give a man a jury of his peers, who would give him a fair trial,

THROW IT ASIDE.

It is not wanted for that purpose; but a practice is introduced that will not allow the accused to have one soul sit as a Juror upon his case who has not already prejudged it and plainly avowed what his decision will be. If such a condition be not a reign of judicial terror, where shall we find one?

[SPECIAL TO THE DESERT NEWS.]

By Telegraph.

For WESTERN UNION Telegraph Line

Afternoon Dispatches.

NEW YORK.

McClellan on the stand.

NEW YORK.—The positive refusal of General McClellan to accept the commission has caused confusion among Mayor Hall's adherents. The General stated yesterday that he declined verbally and emphatically to Hall. Soon after the reception of his letter in the afternoon, he wrote a written refusal. He thinks the situation very gloomy and declares that he should be sorry if the alleged peculation of a few men influence the vote of the Democratic party at large.

The appointment of Green is one which is the opinion will give satisfaction to all. The notification of the Mayor to the various city departments, that he does not recognize either Connolly or Green, will have a serious effect. At the pay department it was settled yesterday that no order of Connolly's would be obeyed. Consequently employees must suffer deprivation of their pay until the dissatisfaction are settled. There is a growing sentiment in favor of Connolly, and even the Times thinks he is entitled to some thanks now for placing all the documents in his office at the disposal of a Democrat whose honor is sullied and with whose verdict the public ought to be thoroughly contented, no matter which side it may fall.

PACIFIC COAST DISPATCHES.

San Francisco, 18.—The schooner *Andromeda*, from Bridgeport, reports a terrific accident at that place. As she was loading the slings parted and the car came down like lightning, killing the whole structure into the sea, killing

TO PICK A JURY, that is, to select persons for a jury who

Allen Glass, aged 17, and carrying his body into the ocean, whence it was never recovered, seriously injuring a sailor, name unknown.

All aboard for Seattle Creek.

Private letters from Sobell Creek, Nev., report discoveries of extraordinary richness in that vicinity and extensive symptoms of a new mining excitement, growing out of them in San Francisco. A number of parties are preparing to leave San Francisco with a view of operating there.

Want Office.

Col. Danl. Norcross will be a candidate for appointment for the adjutant generalship under the coming Republican administration of the State, and will be backed by very strong influences. Capt. Edward Love will also be a candidate for the same position. There are a number of parties looking after the Major generalship and the several subordinate military appointments.

The Keystone mining company has declared a third dividend of two dollars a share.

It was expected that the news of the great fire at Pioche would injuriously affect the Meadow Valley and Raymond and Ely stock, but the superintendents of both mines telegraphed that neither was the fire in the least by the configuration or explosion, and both stocks advanced in market today.

A Curious Case.

The case of James Johnson, who alleges that he is induced to loan \$10,500 by one Herring, a watch maker, who answered his advertisement of \$8,000 money to loan to one Jacoby, who with the aid of H. Danziger, a partner broker, assisted by his landlady, Mrs. Mary Anne Grace, to loan the \$10,500 on what purported to be diamonds and fine jewelry worth double that amount, but really worth less than \$6,000 is a novel case, and having been worked up by detectives. He commenced the suit to-day against Danziger and Jacoby, for the recovery of his money and was immediately served with summons on a suit for breach of promise, damages \$10,000, by Mrs. Grace. He came here in June last, and has already acquired a very unfavorable opinion of San Francisco business men and women.

Held to Bail.

SAN JOSE, 18.—A Frenchman, named Francois Lavelle, alias Bogata, of about forty years, examined to-day before Judge Hoge, on a charge of committing a criminal assault on a little girl eight years of age, was held to answer before the next Grand Jury in the sum of \$5,000.

Murderous Assault.

About 8 o'clock last evening, a murderous assault was committed on a shoe-maker named Hile. Cries of murder were heard, and Hile was found lying on the sidewalk bleeding from a number of cuts and stabs on the face and hips. He describes his assailants as two Italians, but is believed to be a European. Hile lies in a very critical condition. No arrests have been made as yet.

Earthquake.

At a quarter to four this p. m. a slight shock of earthquake was felt here.

W. U. Tel. Co. Removal.

The Western Union Telegraph Co. have removed their office to the stationery store of E. J. Morton & Co., north side of Santa Clara Street.

A Marshal Found Dead.

HAMILTON, Nev., 18.—Joseph Dumas, late city marshal of Hamilton, was found dead at bed last evening. Heart disease was the supposed cause of his death.

The Pioche Disaster.

A meeting held here last evening, subscribed one thousand dollars for the relief of the Pioche sufferers. An extra stage was sent forward, loaded with medicines, provisions, etc., for the sufferers. An appeal from Pioche to neighboring towns is made for aid, especially in drugs and medicines, as everything was destroyed and the wounded lying in consequence. The jury in the case of the State vs. Fox, who were locked up on the 15th, were released and dispersed on the breaking out of the fire. One of their number, Wm. Dodds, was killed. A new jury will be necessary to try the case.

Various.

LOS ANGELES, 18.—It is estimated that the grape crop in the vicinity of Anaheim is two-thirds that of last year. In this vicinity the crop will perhaps exceed that of last year. The largest vine growers in this valley expect to crush over 200,000 gallons. The total wine yield of this country is estimated at a million and a quarter gallons.

A large amount of gold dust and Vulture gold bullion has been received from Arizona during the past week. Artesian water has been found at twenty-six feet, six miles from this city.

No Cause.

The case of Dr. Chas. O'Donnell Cohen, the astrologer and Isabella Knapp, indicted for the murder of Eugene Chanetti was called before Judge McKinley to-day for trial, whereupon Assistant District Attorney Freelon arose and moved that a *nolle prosequi* be entered in each case, as he was satisfied, under the circumstances, that notwithstanding the conduct of the defendants was very suspicious he could not hope to obtain a verdict of guilty on the evidence, and ought not to do so, and that if one was obtained it would be set aside as contrary to law and the testimony. Judge McKinley said that if such was the case he was surprised that the defendants were ever indicted, and on the assurance of the Assistant District Attorney, he would grant the motion. The defendants were then set at liberty and left with their friends. This sudden change of mind surprised in San Francisco, as it was expected that at least the formality of a trial would be gone through.

Badly Trampled On.

Frank Seaport, an Austrian, aged 35 fell from a swill wagon on Brannan and 4th streets this evening and was dragged under the horses' feet, trampled upon, his leg was broken, and he was supposed fatally injured internally.

FOREIGN NEWS.

CREAT BRITAIN.

Food and Health Diseases.

LONDON, 18.—The foot and mouth disease is rapidly spreading among the cattle in Norfolk.

LONDON, 18.—A meeting was held at Chelsea, to-night, in favor of British workmen, and Mr. Odger was the principal speaker. He denounced, in strong terms, certain proprietors who had accumulated wealth out of laborers.

LONDON, 18.—George Alexander Hamilton, former Secretary to the Treasury, is dead.

The Russian fleet with Alexia goes to Falmouth instead of to Plymouth. The *Admiral* blames American in Korean affairs and says the result will be foreigner will be driven out. England won't join because not consulted previously.

The newspapers generally praise the Aldershot manoeuvres. American officers, however, call attention to the total absence of provision trains. Six men have been convicted by the court in India of illegally drilling and imprisoned.

FRANCE.

The Franco-German Treaty.

PARIS, 18.—The failure of the new customs treaty with Germany is imminent. The German plenipotentiaries are settled. There is a growing sentiment in favor of the situation in the text made by the Assembly.

EUROPE.

London, 18.—Fris and wife have arrived at Wilhelmshöhe. At Konigsberg the violence of the cholera is increasing, the death percentage having risen from fifty to seventy-five and eighty. The number of deaths for the week ending the 17th was three hundred.

The German army will immediately be put on a peace footing of 400,000 strong. Mikke has been made-marshal of the empire.

ARRIVALS.

TOWNSEND HOUSE.

Sept. 18th.
E. S. Bristol, Bingham Canyon; C. O. Douglas and wife, New York; John Lawrence, Omaha; E. S. C. Jacobs, L. E. Colwell, L. C. Townsend; J. N. Keller and wife, Ogden; C. P. R. R.; H. H. Shepherd and wife, Ogden; H. H. Parker, East Canon; J. M. Bisset, Stockton; T. W. Ireland, A. Gaudet, O. H. Moore, Bingham; A. Kuhl, Corinne; Mrs. R. H. Carroll, Little Dick Carroll; C. W. Lorell, Omaha; N. Kanaday, Corinne; C. E. Sears, Pioche; C. E. Bates, Ogden; J. P. Hutchinson, J. N. Girdall, Omaha; W. Harris, Corinne.

Sept. 19th.
Frank Gibson, Dr. H. H. Meier, Bremen; Gust. Rohlsen, Havana; J. F. Gillespie, D. D. S., San Francisco; S. G. Dennis, Boston.

SALT LAKE HOUSE.

Sept. 18th.
R. M. Carroll, Master Edwin and Benjamin Carroll, Little Dick, Sikot, C. W. Toole, Omaha; E. S. C. Jacobs, L. E. Colwell, L. C. Townsend; J. N. Keller and wife, Ogden; C. P. R. R.; H. H. Shepherd and wife, Ogden; H. H. Parker, East Canon; J. M. Bisset, Stockton; T. W. Ireland, A. Gaudet, O. H. Moore, Bingham; A. Kuhl, Corinne; Mrs. R. H. Carroll, Little Dick Carroll; C. W. Lorell, Omaha; N. Kanaday, Corinne; C. E. Sears, Pioche; C. E. Bates, Ogden; J. P. Hutchinson, J. N. Girdall, Omaha; W. Harris, Corinne.

Sept. 19th.
J. Metzker and daughter, George O. Prim, Los Angeles, California.

SALT LAKE

THEATRE.

Doors open at 7:30. Performance to commence at 8

TUESDAY EVENING,

SEPTEMBER 19, 1871.

SECOND NIGHT

OF THE

FALL AND WINTER SEASON!

GRAND SUCCESS OF THE New Domestic Drama of Great Interest, (titled "The Fall and Winter Season," in 4 Acts, entitled

NEVER TOO LATE

TO

MEND!

ACT I.—The Grove Farm.
ACT II.—The Model Prison.
ACT III.—Austrian Gold Fields.
ACT IV.—Home Again.

To conclude with the Laughable Farce, entitled

OUR GAL!

BOX OFFICE open for the sale of Tickets on the day of performance, at 11 o'clock.

NOW IS YOUR CHANCE

FOR

STOVES! STOVES! STOVES!

OVER ONE HUNDRED

Different Kinds and Styles to Select from, including the Old Favorites:

Charter Oak,
New Era,
Monitor,
Inland Empire,
Superior, &c.

These as well as other varieties will be sold

CHEAPER

AT THE

HARDWARE

DEPARTMENT

OF

Z. C. M. I.

THAN IN ANY OTHER

HOUSE in this Territory.

W. H. CLAWSON, Jr.

255 1st St. - 255 1st St.

Z. C. M. I. CLOTHING DEP'T.

GRAND

CLOTHING

AND

FURNISHING

DEPARTMENT,

Z. C. M. I.

WE ARE

JUST OPENING

A FULL AND MAGNIFICENT

STOCK

OF

FRENCH,

ENGLISH and

AMERICAN

CASSIMERES,

SUITABLE FOR

FALL & WINTER USE,

Which we shall sell in suit or other lengths on a very small margin.

GENTLEMEN

Wishing to be Dressed in the most

FASHIONABLE & SUBSTANTIAL

Manner,

Can have their Selection manufactured on short notice by our own workmen, of large experience, and good fit guaranteed.

In addition to the above we have

OPENED AN IMMENSE STOCK

Of suitable and Seasonable

READY-MADE CLOTHING

In every Variety of Fabric and Style.

The Latest Fashions in

HATS & CAPS

NEGLIGEE,

DRESS AND UNDER SHIRTS,

Drawers, Suspenders,

NECK-TIES & BOWS,

Handkerchiefs,

BOOTS & SHOES,

Walking Canes,

Umbrellas, &c.

House - Furnishings,

BLANKETS,

FLOOR & OIL CLOTHS,

MATS AND RUGS.

WALL PAPER