

trict Court, resulting in a disagreement of the jury, which stood 11 to 1 in favor of the plaintiff. It was afterward found that the dissenting juror was a stockholder in the Mammoth company. The suit in the Third District Court is brought by Mr. Morris to recover \$7,000, expended for boarding men engaged at the Mammoth works at Tintic, and \$5,000, which was loaned the Mammoth company by Mr. Morris. In addition to this there is now a suit involving an amount which will swell the above to \$25,718.50, exclusive of interest, pending in the First District Court, for labor and material furnished at the Mammoth works by the plaintiff.

Quite an array of legal talent was engaged by the litigants in the present contest in the Third District Court, Messrs. Arthur Brown, P. L. Williams and Le Grande Young representing Mr. Morris, the plaintiff, and Messrs. Bennett, Harkness & Kirkpatrick, Sutherland & McBride and C. S. Vailan appearing in behalf of the Mammoth company, defendants—J. A. Cunningham, S. McIntyre, W. McIntyre and E. A. Austin.

The whole of last week was occupied by the court in the hearing of the case, and on Saturday the plaintiff announced that his testimony was all in. The counsel for the defendant then moved for a nonsuit on each of the amounts sued for, and after hearing the arguments, Judge Zane rendered an able opinion, overruling the motions and holding that from the evidence adduced it appeared that the Mammoth company were liable, the money having been used by them.

When the opinion of the Court was given this morning, the action of counsel for the defense showed that they believed they had run on a "snag." There were several whispered consultations, the attorneys for the plaintiff had their attention called to the cause of the stir, and finally the Court was waited upon by a representation from each side in reference to the matter. The reason for all this soon became apparent. There is a provision in the law which makes it a ground for the challenge of any juror, if the juror be related to either of the parties within the third degree of consanguinity or affinity, and one of those in the panel swore to try the case was Grouway Parry, who was the son of the plaintiff's wife's sister.

After some time Judge Bennett stated to the Court that there was a matter which he desired to bring up, and as it would be improper to discuss it before the jury, he asked that that body be requested to retire. The request was granted by the Court, and the jury were conducted to their room.

Mr. Bennett then raised an objection to the matter being investigated before the public, and stated that to allow an account of the proceedings to appear in the public prints would be virtually informing the jurors of what was going on.

At this the newspaper reporters present looked around and smiled, wondering whether the Court would accede to such an extraordinary request, but they were soon set at rest by the remarks of the Judge, who evidently did not consider the occasion of that nature to justify the exclusion of reporters or the suppression of the court proceedings. The Court, however, gave warning to anyone who called the attention of the jurors to anything that occurred, that such an act would be punished very severely, as no tampering with jurors would be permitted.

Mr. Bennett then stated to the Court that counsel for the defense had been informed on Friday that one of the jurors was a nephew of the plaintiff. The juror's mother was a sister of the plaintiff's wife, and because of this relationship it was improper that he should try the case. The counsel for the defense had not discovered this when the juror was examined as to his qualifications, and for this reason did not challenge him.

The plaintiff then offered to permit the juror to be withdrawn, and try the case with eleven, but this was objected to by Mr. Bennett. The defendants wanted a trial by twelve jurymen, and as the juror was not only related to the plaintiff but had lived, after the death of his parents, in the plaintiff's family for four or five years, they considered his interest in the plaintiff would be too great, and they therefore could not proceed with the case.

Mr. Williams said that from the time of the death of the juror's parents until he was about 13 years of age—four or five years—he had lived with Mr. Morris, and had then removed to the southern part of the Territory. He argued that the failure of the defendant to challenge the juror at the proper time was a waiver of their right to challenge, and it was not now shown that the juror had any prejudice against the defendants. The juror had been thoroughly examined by the defendants' counsel and had been passed for cause. The plaintiff desired no advantage in the case, but only wanted a fair trial. He had spent much time and money in the case, this being the second trial, and only wanted fair play to obtain that to which he was entitled.

Mr. Bennett exclaimed that the plaintiff, knowing the relationship which existed, had allowed the juror to go into the box, and the defendants did not know how many other similar circumstances existed.

Mr. Brown replied that it had not been forgotten that the defendants sat and knowingly permitted a stockholder in their company to go as a juror in the former trial. It might be

that they knew of this, and let it go for this occasion. The law required them to examine jurors, and if they did not it was their own fault.

Mr. Bennett said defendants and their counsel were willing to make oath that they had not been acquainted with the facts in the latter case.

Some discussion here followed as to what relationships were included in the "third degree of consanguinity" named in the law, which showed that the attorneys themselves had but little idea what was meant.

Judge Sutherland then offered a challenge to the juror, the subject was argued pro and con, and an affidavit was filed, sworn to by the defendants and their counsel, setting forth that none of them had any knowledge of the relationship of the juror Parry prior to Thursday, April 1.

Mr. Brown asked leave to cross-examine some of the affidavits, and J. A. Cunningham, president of the Mammoth Company, was called and testified that he had known defendant's family since 1862; had not seen the juror before the trial, that he knew of; Mr. Sam McIntyre called his attention to it, on Friday, before the motions for nonsuit; had talked with no one else but counsel except this morning, to W. C. Morris; his brother-in-law, James Ore, was a railway conductor, but had not told him of this; had spoken to Mr. Ore's wife on the subject.

Samuel McIntyre was called. He did not know Mr. Parry, the juror; had spoken of the relationship on Thursday in presence of Mr. Cunningham; witness received his information from Thomas B. Thomas, at the latter's house; witness went to Thomas to see about the case; had talked with Thomas before the trial commenced; Thomas had asked if Parry was on the jury, but witness did not feel sure, and Thomas told him of the relationship; did not know whether Thomas was in court when the jury was being impaneled; would not say he did not consult with Thomas at that time; had also talked to Mr. Pierpont, who had been in attendance during the trial, and had been subpoenaed for the defendant; did not know whether Pierpont was connected in business with Morris; had heard him say he was.

E. A. Austin testified that he did not remember being consulted with about the jurors; had spoken with Pierpont at the time, and told the attorneys what Pierpont said.

To Mr. Bennett—Did not say anything of the relationship of the juror Parry to the plaintiff.

The Court then rendered a decision on the challenge of the juror, on the ground of relationship to the plaintiff. On the examination of the juror the latter had not been asked as to his relationship to either of the parties. The question in the case was whether the examiner had used due diligence to discover any disqualification in the juror. If not, it would be a waiver of his right. It had been probable that the juror in answering had failed to recollect, and had thus misled the examiner. The juror was also within the third degree of affinity, and was subject to challenge. Considering the fact that the juror lived with Mr. Morris four or five years, his answer as to how long he had known Mr. Morris was calculated to mislead. If the juror had intentionally misled counsel, it was a ground for new trial. Mr. Morris was also present when the juror was accepted, and knew the facts, but did not make them known. Under these circumstances the challenge should be allowed, and the Court so ordered.

The plaintiff asked that another juror be called, and the testimony be reintroduced.

This the Court could not permit, as there was not time in this term. It might be a hardship to the plaintiff, who probably had no wrong intention, but it was too late to avoid it.

The jury were then brought in, and the Court called Mr. Parry and stated that owing to his failure to tell of his relationship to Mr. Morris, a challenge to him as a juror had to be sustained, and the trial had proved a failure.

Mr. Parry stated that at one time he thought of giving the information, but as he was not asked of his relationship, he did not say anything.

The Court then discharged the jury from further duty at this term of the court.

Mr. Morris was afterward spoken to regarding the matter, and said that he was surprised when Mr. Parry was accepted as a juror, but not knowing the relationship to be a disqualification, he had let the matter pass. He before this expressed himself to the effect that he did not want Mr. Parry on the jury, but did not consider it proper to speak to him or to interfere with the business of the defendants.

CORRESPONDENCE.

"MORMONISM" AMONG THE MAORIES.

Progress of the Work in the Waikato District.

HUNTLY, February 10, 1886.

Editor Deseret News:

It is with pleasure that we report the late success of the Elders among the Maories.

A conference was held on February 6 and 7, in the Waikato district, which comprises the northern part of North Island of New Zealand, and embraces Auckland.

The assembly convened at Kaitumutumu, near Huntly, on the Waikato River, where the Saints had assembled, coming all the way from five to 150 miles on horseback in order to attend the conference.

There were present from Utah the following named missionaries: Elders W. Gardner, J. C. Stewart, A. W. Harper, John Manning, J. A. Slater, F. H. Wright and H. J. Sears and wife.

The district statistical report for the last six months shows seven branches organized and a Maori membership of 425 souls all added during that time. Some had proved themselves worthy of receiving the Priesthood, and accordingly the brethren ordained eight Elders, one Priest, one Teacher and two Deacons.

The Elders had labored hard in this district for some time, and up to the date of the last conference, which was held in Auckland, had met with but little success, having only blessed one child. Yet, in justice to the Elders, it should be explained that the Maoris of this district were principally "Hauhau's" or King men; that is, they have entered into a compact or covenant with the King to hold themselves aloof from all foreign ministers that might invade their borders, and to establish a Maori church.

The compact was created for defensive purposes, as the Maories tell us that with one hand the ministers would point to heaven and tell them to look to Jesus while with the other hand they would rob them of their possessions.

But during the last six months the field has been opened up with almost prodigious success, signs and miracles are prevalent and a people with greater faith in the ordinances would be hard to find. One case might be cited in illustration of this: An old man who had come forty miles to attend conference arose and testified to all present that previous to being baptized he had been bedfast for three and a half years, and in less than a week from the date of his baptism he was an able-bodied man. I might state scores of cases equally miraculous would space permit.

Two ministers who thought they had some claim on the district by virtue of priority, hearing that the "Mormons" were holding a conference, came down and with an air of authority, and in terms more impressive than eloquent, ordered the Elders to leave the place. They were, however, quietly informed that we had been "called of God as was Aaron" to come with the Gospel of life and salvation to these people, and it was our intention to stay until the same power that called us authorized our release; and in their usual decisive manner the Maories, both "Mormons" and non-"Mormons," soon made the ministers think that there might be "cooler regions" elsewhere.

Conference closed with an excellent feeling among the Maories, and to the utmost gratification of the Elders.

WM. GARDNER,

President of the Waikato District.

MORMONISM IN TENNESSEE.

An Anonymous Writer Attempts to Incite to Mob Violence and is Replied to.

LEE VALLEY, Hawkins Co., Tenn., March 18, 1886.

Editor Deseret News:

I enclose a communication, which appeared in the Rogersville, Tenn., Review, over the signature "Irash;" also an article commenting thereon, and appending Col. Grum's reply, from the Knoxville Chronicle.

These articles will serve to somewhat explain matters in this part of the vineyard, and the Saints who have friends in this portion of the Southern mission may allay their fears and be encouraged to know that we are gaining ground every day. The people here, as a rule, are slow about taking hold of any new thing, the more particularly when introduced by strangers, but I think the prejudice against the spread of the Gospel here, is confined to those who have not and will not investigate.

The Elders, Brown, Head and Ros-Kelley, laboring in this vicinity are all well, and nilaying prejudices and making friends.

Respectfully,
SILAS FLOURNEY.

"IRASH'S" LETTER AS PUBLISHED IN THE "REVIEW."

LEE VALLEY, Tenn., Feb. 20, 1886.

Editor Review:

Perhaps a few words from this place would be of some interest to the many readers of your valuable paper, if rightly spoken. Our Valley has been infested, now about two years, with some fiendish Mormons, who have made their headquarters at Bill Green's. But little attention was paid to them until late, when it became apparent that they were making some converts, and, in fact, it is said that they have immersed some two or three. Lion-like they den themselves during the day, and at the approach of night go forth in search of prey until the dawn of day, then sneak off to their hole and plan and set snares for others. It seems that the devil and all his combined forces have been turned loose among us. These words are a little harsh, but no less true. Is it possible that in this enlightened day, and in this era of prosperity, happiness and refinement, we will stand with our mouths locked and tongues tied and

see Mormonism grow in to corruption in our own mountain homes, which have been made happy and spotless by the purity of the Bible? Will we stand and look on while they drag our friends, neighbors, and even our children, into the very hovels of debauchery, degradation and ruin? Citizens of Lee Valley, are we going to do it? Can we afford to do it? Let us call a meeting of the good, honest people of this community and make some move towards cleaning this den so completely and kicking them so far that they can never return. And if this don't do, apply a little tar and some feathers, together with half a dozen No. 10 tees, so mechanically put that they will not be able to sit on cushioned chairs, this side of Utah. What say you, Mr. Editor, speak out, this is a question that should interest all of us.

More anon.

IRASH.

THE CHRONICLE'S COMMENTS.

There has been much said in the newspapers of late about Mormonism in Hawkins County and last week the Chronicle published an extract from a communication in the Rogersville Review charging "Bill" Greene of that County, with harboring the elders and more than suggesting a resort to mob violence to rid the the community of the "den."

The "Bill" Greene so rudely mentioned in the article referred to is Hon. Wm. Greene, of Lee Valley, Hawkins County. Mr. Greene is a large landowner and a man of considerable wealth and education. He owned and used to operate a large distillery, but we think it has been closed for some years past. Prior to 1876 he was prominent in democratic circles as a leader and had a formidable following for the nomination for Congress in the first district in 1874, when the nomination was finally given to Hon. Wm. McFarland, of Hamblen County, who ran against and defeated Judge R. B. Butler, then serving his fourth term in Congress.

From a number of causes Mr. Greene finally left the democratic party and was left to the state senate from the district composed of Sullivan Hawkins and Hancock, serving in the legislature of '79-'80. After his term expired he dropped out of politics and has almost been lost to sight until within the past two years, when rumors began to connect his name with the Mormons, which have since grown into positive statements to that effect. How true this may be we do not know, and do not find anything in the letter given below to verify it. We always knew him as a man of great liberality, kind and genial in disposition and the dispenser of princely hospitality in his mountain home, where, surrounded by many dependents, the generous friend and patron of his less fortunate neighbors, he has lived the life of a rural baron, loved and respected by all, and would not close his doors in the face of his most hated foe if he came to him in search of shelter and refreshment. It may add something to the public interest in his case to state that he is a lineal descendant of Gen. Nathaniel Greene of revolutionary fame, is tall six feet in height, broad-shouldered, fresh-faced and in many respects a man of prepossessing appearance.

Below we publish a letter written by Greene, which appeared in the Rogersville Review of this week in answer to the violent article of one "Irash" mentioned at the outset.

COL. GREENE'S REPLY.

LEE VALLEY, March 1st, 1886.

I deem it a duty incumbent upon me to reply to a communication of "Irash," as he has brought my name before the public over a *nom de plume*, in connection with "the fiendish Mormons." Why did he not have the manhood and boldness to write over his name and let the world know who he is? Is he ashamed to do so, or is he too cowardly? Why does he bushwacker-like, attempt to stab one in the dark? Why does he talk about hiding up?

He is evidently in a very bad humor and has suffered his temper to get the better of him. If he claims to be a Christian he is entirely destitute of charity, which is a leading and an essential quality of a follower of Jesus. No Christian can breathe such a spirit as is contained in his letter. Nothing but the power of the evil one encourages mob violence, and in many instances the shedding of blood. It was this spirit that influenced the Jews to put to death our Lord and Master Jesus Christ, as well as his apostles and the saints of the primitive church. Wherever you find the gospel of Christ, there you will see the evil one exciting whom he can to resort to all manner of wickedness to stop the spread of eternal truth. Reader, should such a spirit enter you as that in "Irash," expel it from you, for it is the spirit of the Prince of darkness, and will ultimately lead you down to eternal woe and misery.

Under the constitution and laws of this land and country we are allowed to worship God as our consciences may lead, and "Irash" dare not hinder or molest. Every citizen should demand this right and at the same time have charity enough to accord the same to others.

The article referred to states that the "Mormon" elders den themselves during the day and at night go forth in search of prey. I don't want to be so harsh as to accuse the writer of telling a lie, but I do say that he is mistaken, and that there is not a word of truth in this statement. Out of the many

ights they have stayed with me, they never were known to leave my premises after night. The truth of this statement can be verified by every member of my family as well as those in my employ. The truth of which can be further verified by many of the best citizens in the neighborhood, with whom they have stayed night after night for the past two years.

He cries corruption and debauchery. If "Irash" was half as good as "Mormon" elder he would be a hundred per cent better man than he is. I have known the elders now for over two years and they are gentlemen in the fullest sense of the word. He wants the "good" citizens of Lee Valley to raise up a mob and drive out the elders by mob force and violence. In this he will find himself most sadly mistaken, for the greater portion, and in fact I may say all, except now and then an occasional one, are law-abiding citizens who could in no case be induced to join a mob. This mob spirit among a very few is no new thing here, it has been threatened all along from the first week the elders made their appearance. The first mob I ever read of was raised in heaven by the devil, and we may well understand that a mob of to-day would be raised by his disciples.

WM. GREENE.

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