

EDITORIALS

A DAY IN COURT.

We were standing in front of the News Office on Saturday afternoon when a man stepped up, and in a mumbling, 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 Court room. 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 lending oneself to be the tool of a "ring" for the sake of office! His Honor's decisions, 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

DEMITTED 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 Huggan and we think Mr. Carter, and probably one or two other lawyers, did the same. Their reasons for thus challenging the whole array were urged upon the court when the last Grand Jury was impanelled, but were overruled by the Court. They were to the effect that the said Jury were neither drawn by the proper officer nor according to the Territorial laws. 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 writs, 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

called 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 Courts 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 precious persons. The lawyers' reasons for challenging having been filed with the clerk of the Court, the Judge stated to persons summoned that it was doubtless inconvenient 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 editor of a newspaper to serve on a jury; but after being summoned, if we did not serve we resolved 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?"

Pros. Jurymen. "Yes."

Pros. At. "Are you a tax-payer?"

Pros. 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."

Pros. At. "Are you a citizen of the United States?"

Editor of DESERET 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. "I do not think the question a proper one. 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 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 that the Editor 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 cases 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 deprecatory 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 APOSTATE SQUIRMED.

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. His remaining doubts 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 SALLIED 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 "pack" is "to put together as cards, in such a manner as to secure the game; to put together in sorts with a fraudulent design; hence, to unite persons in iquitously with a view to some private interest; as

TO PACK 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, if we supposed, obtained, and the labor of selecting and catechising jurors, appeared to be finished, when Squire Miner arose, and cited a law of Congress which made it a cause of challenge if a man, 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 sys-

tem 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, 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 impanelled 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 "pack," 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 was not eligible to be a juror who did not have 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 evinced

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 juries, 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 inure 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?

MORONI.—Henry N. Larter, writing from Moroni, says that harvesting has been completed there. The grain crops are better than ever before, the average amount of wheat per acre being from thirty to forty bushels. The hay crop is also good. No grasshopper's eggs have been deposited in that county this year. There is a good deal of sickness at present, among children.

WANTS A PROPHET.—The San Francisco Alta says, "If there is any one thing that this great nation stands sadly in need of, it is a prophet. We want to know about the future and what is to be the result of the many thousand schemes on foot for personal and national prosperity and happiness. If a prophet were to appear, what better chance would he have than those characters had in olden times? Who would believe him? Who would listen to him? Who? It scarcely needs for a man to be a prophet, or the son of a prophet, however, to tell the result of many of the thousand little schemes afoot."

BEES! BEES!—Sixty Swarms for sale for \$10 per Swarm, by

C. MERKLEY

17th Ward, S. L. C.