

BIG IDAHO FAIR OPENS NEXT WEEK

Boise Elated Over Prospect of
Great and Successful
Exhibit.

TOWN IS BEING BEAUTIFIED.

New Law Authorizing Counties to Is-
sue Prizes Assists in Raising
Funds for Good Showing.

Special Correspondence.

Boise, Idaho, Oct. 18.—The Idaho In-
ternational Fair association promises
to open to the public on Monday next,
in this city, the greatest exhibit and
the most winning attractions that have
ever been presented at any previous fair
held in this state. The city, too, is be-
ing specially decorated and lighted for
the occasion. Six blocks on main street
and all the principal business streets
interesting it will be strung with
thousands of extra light bulbs, thus
lighting the city by night as it never
has been lighted before.

It is expected that all exhibits will
be in place, and that everything will
be in readiness to start off in full swing
on Monday morning. The track is in
splendid shape and the fair is ar-
riving by the dozen every day. The
prizes and prizes will be better
than ever before. The new law passed
by the last session of the legislature
authorizing the counties to give finan-
cial support will greatly augment the
usual difficulty in offering adequate
prizes. The prizes will in many
instances be doubled this year.

The military band from Walla Walla,
Washington, will be here to assist the
booster band in furnishing music at the
fair during the day and in the city in
the evening.

WORK ON ATLANTA ROAD.

The Atlanta road question, which
has been an uncracked nut in the
hands of the state and the United
States government, has at last been
settled and construction work will
begin on it at once. This proposed road
leads up the Boise river to Atlanta,
in the heart of the Sawtooth forest re-
serve, and the first action as to its
construction was brought about by the
visit here last week of W. E. Herring,
chief engineer of the forest service.
The citizens of Atlanta and the Boise
Commercial club will unite with the
state and the forestry service in the
execution of the work, and under the
supervision of Mans Coffin it will be
pushed to a speedy completion.

ESCAPEES CREDITORS.

T. L. Gambill, a cement wack con-
tractor, quietly disposed of his prop-
erty last week and his family took
his departure from the city, leaving
behind him over \$1,000 in indebted-
ness. No one knows where he has gone
or whether he will ever again be seen
here. His creditors were ordered to
bring from whom he had purchased
money, though he also received advance
payments on work which he never ex-
ecuted.

If he is not apprehended, action will
be taken by firms under the law which
says property owners are held liable
for bills occasioned by the purchase of
material in work done for owners of
property.

SUNDAY REST LAW.

Chief Justice Aldrich and Associate
Justice Sullivan have returned from
Lawton after holding a busy session
of the supreme court, in which 24 cases
were submitted. The most important
cases submitted were the two cases in
which the constitutionality of the Sun-
day rest law is involved, to wit: the
habes corpus case of Jerome T. Ja-
cobs of Shoshone county and the State
vs. W. F. Dolan of Boise. Both cases
involved the same question and were
heard together and argued by an ar-
ray of counsel. They were taken un-
der advisement until such time as the
court can prepare a decision.

IDAHO'S FIGHTING MEN.

A law passed at the last session of
the state legislature made it the duty
of the assessor of each county of the
state to enumerate the number of men
in their respective county who were eli-
gible to military duty and report same
to the adjutant general. So far only one
assessor has reported and it is said
that the assessors of most of the coun-
ties are wholly disregarding their duty
in this respect. The county board of
Idaho county, which reports 1,189
fighting men. The reports which have
gone from this state to the war depart-

JUDGE HOWELL ON OUR JURY SYSTEM

Able Address of Jurist Before Gen-
tlemen's Club of Ogden Pres-
byterian Church.

DEFECTS OF METHOD DEFINED

To Obtain Competent Juries It Is Sug-
gested That Men be Selected and
Specially Trained.

Ogden, Oct. 18.—Before a gentlemen's
club of the Presbyterian church last
evening, Judge Howell delivered an ex-
haustive address on "Our Jury System
in Practice." He described the jury
system, its origin and growth. He also
showed up the weak points of the sys-
tem, chief among which he thought was
the incompetence of many juries to
weigh the evidence before them, espe-
cially in civil suits—the defect being
due to their not being specially trained
for the work they are called upon to do.
In beginning his address, Judge
Howell traced the history of the jury
system, described its growth and work-
ings, continuing, however, to point out
its defects. He discovered just what
our jury system is like, and having
however imperfectly traced its growth
so as to show the reason for its exist-
ence in the form we now have it, he
next considered whether it is the best
means which could be adopted for the
determination of the questions of fact
which are submitted to it in those cases
to which it is applicable.

"At the outset we must realize, of
course, that it is impossible for us to
any longer regard the jury as the bul-
wark of our liberties. I have already
pointed out the reasons which actuated
the great English commentators to
look upon it as such. Juries had not in-
creased in wisdom, but in numbers. The
history of England taught the side of
the people against a hostile king, but in
a democracy like ours, where the people
are the source of all power, there is
no such instrumentality to protect them
from themselves.

JURY SYSTEM CRITICIZED.

"The only job by which it can stand
is, then, whether or not it adequately
serves its purpose, namely, to come as
near doing exact justice as it is possi-
ble in a human tribunal, and viewed in
this light, not only in this country but
in England, it has been subjected in our
own time to much adverse criticism.
For instance, Baron Brougham, on ex-
amination before the law courts com-
mission (Scotland), said, 'If I wanted
nothing but the truth in a particular
case, I should prefer the verdict of a
judge, and it seems to me impossible
to doubt that he is the preferable tri-
bunal.' In an action against a railway
company, they (juries) generally go
wrong; in actions by tradesmen against
gentlemen, in questions of whether ar-
ticles supplied were necessary to an in-
fant or wife, they are sure to go wrong;
in actions for discharging a servant,
they generally go wrong; in actions as
to malicious prosecution, they are al-
ways wrong."

FAIRNESS OF UTAH JURIES.

"Speaking exclusively for our own
juries, not knowing what may be true
of others, I am satisfied they do not
merit one accusation which is often
made against them. I am sure that
there has never been a corrupt jury
in my court. It may be that
juries have erred, as we all do,
being human, but it has not been
because of corruption, nor has it been
because they have not tried conscienti-
ously to perform their duties, but
because of their lack of ability. If
they have made mistakes it is be-
cause of their lack of ability, not
otherwise. I have already made com-
plaint that some jurymen have sought,
in my opinion, without just cause to
shirk their duties, but I have not
satisfied those who have assumed the
burden of serving, have brought to the
performance of their duties a sincere
desire to do justice.

INFLUENCES THAT SWAY JURIES.

"It has frequently been claimed and it
is claimed here that juries are often
swayed by prejudice and passion, es-
pecially in cases against corporations,
and such is evidently the prevailing
opinion of the bar, yet in three years of
experience on the bench I have not
thought it necessary to set aside one
verdict on that ground, and have only
reduced in amount three. There is
a feeling very prevalent now that cor-
porations are dangerous to the com-
munity, because of their flagrant
abuse of their power and their
reckless disregard of law, but, of
course, the proper method of combat-
ing them is not by rendering verdicts
against them in litigation between them
and individuals, verdicts which are not
justified by the facts and the evidence.
The ideal tribunal is no respecter of
persons, if litigants are not equal be-
fore the law, a fundamental principle
of our government is violated, and
of good government is violated. I think
that our jurymen are intelligent
enough to realize it and conscientious
enough to do so. While I do not
think that in actions of this character
juries are actuated by prejudice, I do
think that in an action between a
widow and her children on the one side
and a corporation on the other, indeed
between any individual and a corpora-
tion, the natural sympathy of the jury
is with the individual. I have often
heard counsel for railroads frankly say
to me, off the bench, that he sym-
pathized with the plaintiff.

I often do, it is not human, and why
then should we blame the jury for it?
True it is that the ideal tribunal would
not be subject to such influence, true
it is that I seek not to be so influ-
enced in trying the case, but is there
any reason to suppose that the jury
do not also feel instructed as they al-
ways are so to do, and what reason
then to suppose that they will not suc-
ceed as well as other human beings?
It is said that judges should not be
subject to such influence because of
their legal training, but we must re-
member that even judges are human,
and that while they may be guided by
a question of law, influenced by sym-
pathy, nor would be knowingly decide
a question of fact upon such considera-
tions, but would go on and other men,
in finding on the basis of fact, be able
to tell exactly what influenced him?
Let us remember that Lord Eldon, rough
though one of the greatest of English
judges, decided the Bolander case, and
was exempt as deep-sea fisherman from
impeachment in the admiralty. His
kindship was a great lover of
turkey and lemon sauce.

INCOMPETENCE OF JURORS.

"The real reason why, in my opinion,
our present jury system is not the
best means of administering the parts
of a civil case, wherein the facts are as
intricate as they usually are, is that
juries are, I think, absolutely unable
to comprehend as they should in many
cases, the fact questions which they
must decide. But can they, by reason
of their inexperience in weighing testi-
mony and carrying it in their minds,
tell how these questions should be de-
cided if they did know what they are
not on their largest and best training,
apply the abstract statements of the
law given them by the courts to the
facts which should be found by them.
They must apply technical rules of
law imperfectly understood to real-
life imperfectly remembered. What
I have said is not true of criminal
cases, in which the facts are fairly al-

It's Time to Sit up and Take Notice

That Banks' Milli-
nery and Fur Store,
116 So. Main St.

Will supply dealers the
same goods at the same
prices in Salt Lake City
they pay jobbers for
them in other cities, sav-
ing them the freight, which
is equivalent to 5 or
10 per cent of the cost
of the goods.

It's morning
in Salt Lake,
Wake Up!!

ways simple, but it is eminently true
of many civil actions.
LACK OF TRAINING THE CAUSE.
"In other words, it seems to me that
the real defect in our jury system is
that they are not specially trained for
the work they are called upon to do.
In no other sphere of life do we ex-
pect men to do that which they have
not been taught to do. We every-
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the world's work cannot be done with-
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