

# THE DESERET NEWS.

TRUTH AND LIBERTY.

No. 42.

Salt Lake City, Wednesday, November 17, 1875.

Vol. XXIV.

## FIRE IN THE CITY.

BETWEEN 4 and 5 o'clock this morning (Tuesday, Nov. 16) the fire bells awoke the inhabitants of this city, who discovered the splendid building of the First National Bank (late Hussey's) in flames. In a short time the building was gutted, as also were those occupied by Siegel Bro's and Watters Bro's, on each side. The fire originated in the upper portion of the Bank building. The Deseret National Bank was doing business in the building during the erection of their own new one. At 10 o'clock a. m. the D. N. Bank removed into Wells, Fargo & Co's building. The loss by the fire is of course very heavy.

All the engineers of the German army are taught swimming in their first year, and are required to swim half an hour, without resting or swimming on the back.

## Local and Other Matters.

FROM WEDNESDAY'S DAILY, NOV. 10.

**Big Cabbage.**—Joseph L. Smith, of Lehi, bringing a number of cabbages to the Pithing office, called in this Office with a large specimen of the Marblehead variety, weighing, stripped of its loose, outer leaves, 17½ lbs.

**Sent For a Full Report.**—The case of Brigham Young, which was yesterday brought up at the Cabinet meeting, has been referred to the Attorney General, who has sent to Salt Lake City for a full report of the case before taking any action.—*Washington Star*, Nov. 3.

**Gone into the Country.**—O. H. Riggs, Territorial Superintendent Common Schools, sends the following—

SALT LAKE CITY,  
Nov. 8th, 1875.

"*Editor Deseret News:*"

"I shall leave this morning by the 7 o'clock train to visit the school districts of Morgan, Summit, and Wasatch Counties, and will probably be gone about two weeks.

"O. H. RIGGS,  
"Ter. Supt. Com. Schools."

**Weber Coal.**—There is a great cry for Weber coal throughout the valley. There was one car load of it at the depot this morning. One car to a city full of people, to say nothing of the country people. The Weber coal miners say they have plenty of coal, but the railroads do not furnish them cars to ship the coal in, so the coal remains at the Weber. Unless some adequate remedy for this state of things shall be made before long, capitalists will be likely to set to work and employ the idle labor in the city and put a railroad over the mountains direct to the Weber coal mines, so that there may be plenty of coal in city, in Winter as well as Summer.

**Indecision.**—A remarkable instance of indecision was brought out in the District Court to-day.

James McGuffey was being examined as to his competency to serve as a juror in the case of *Flint vs. Clinton et al.*, when, in answer to an interrogatory of counsel as to whether he knew anything of the case, he stated that he was present in court at the former proceedings, when the suit was tried.

Att.—"From what you heard have you formed or expressed an unqualified opinion as to the merits of the case?"

Mc—"Well, I canna say that I'av, only if I'ad a been on the jury I would a found a verdict for the plaintiff."

This announcement created a cachinnatory explosion from jurors, bar and spectators, and even the facial muscles of the Court were visibly relaxed.

The hero of this little episode is a very positively undecided kind of a man.

**City Council.**—The regular meet-

ing of the City Council was held last night, Mayor Wells presiding.

Petition of Jeremiah Gibson, asking for information regarding what disposal had been made of a former petition of his, which requested the privilege of working a certain stone quarry, south of the base of Ensign Peak; referred to the same committee as the original petition, the chairman, Alderman Sharp, stating that he was ready at any time to accompany the petitioner to the quarry aforementioned, to enable him to report to the Council.

Petition of J. W. Johnson for a remission of his taxes; laid over, to come up in its order with other similar petitions.

Petition of Mark McKimmins, asking that the unexpired term of his hack license be transferred to Geo. Levekin; granted.

Petition of Elizabeth Proctor, a widow, proprietor of a small store in the 10th Ward, for a remission of her license for the ensuing year; granted.

Gas Company's bill for September was reported correct, and amount appropriated.

The committee to whom was referred the petition of the Salt Lake Library Association, asking for pecuniary and other aid to place their library on a permanent basis, submitted a lengthy report, suggesting the advisability of consolidating all the libraries of the City in one. As to the matter of pecuniary aid, the report stated that the Council was the best judge of its ability to render it. Communications from Georgia Snow, Secretary of the Association, and J. W. Stevens, member of the Mechanics' Club committee, were read, and, together with the report, were received, placed on file, and held over for future consideration.

Bill of Dr. Young, for professional services at the asylum and jail, and a bill for lumber used at the asylum, were reported correct and amounts appropriated.

The committee to whom was referred the petition of certain citizens asking for the establishing fire limits, etc., read the draft of a partially prepared ordinance on the subject, and, after some informal discussion on the subject, Council adjourned till next Tuesday evening.

**District Court.**—The proceedings in connection with the challenge of plaintiff's counsel, in the case of *Flint vs. Clinton et al.*, as to the competency of James Johnson to sit as a juror, on the ground of bias because of the peculiar doctrines of the "Mormon" church, of which he was a member, were resumed yesterday afternoon, after recess.

On the juror being himself questioned, he admitted that he considered it right for the Church to give him counsel, but reserved the right to be the judge of the counsel as to whether it was right or not, and would not obey anything he considered wrong. He claimed to be a judge of right and wrong for himself. He had never received any counsel but what was good, and would lead him to act impartially in every capacity. All the counsel he had ever received accorded with his own judgment. He understood counsel to be simply nothing more than advice.

This concluded the testimony, and Mr. McBride delivered his reasoning in favor of the challenge. It was an argument that, so far as its material is concerned, probably never had a parallel in any court in any country. Not that it was devoid of ability, but rather to the contrary. The attorney quoted copiously from the works of the Church, and elaborated upon several doctrinal points, his disquisition being generally free from the scurrility that is too frequently indulged in by bitter partizan opponents of "Mormonism." In fact he admitted a belief in the general honesty and sincerity of "Mormons" in matters relating to their religion, and when on this point, he stated that did he believe certain principles as they did he himself would be ready to take a certain course of conduct. However, not a single person of intelligence who listened to the other-

wise able argument could help admitting one conspicuous fact, so glaringly evident throughout, that it contained scarcely a particle of relevancy to the matter in point. Nothing in the evidence nor the argument appeared to point to the juror challenged.

Mr. Sutherland followed, for the defense. He delivered a succinct, able, convincing argument, confining himself strictly to the case, his reasoning being of that close, analytical nature, clearing up every point, that carries conviction with it. Mr. Snow concluded, briefly, in the same strain, when the Court took the matter under advisement.

## TO-DAY'S PROCEEDINGS.

This morning the Court delivered its decision on the question, which was, in substance, as follows—

The challenge was on the ground that James Johnson being a member of the "Mormon" Church was incompetent to sit as a juror on the pending suit, because the peculiar doctrines of the Church would bias him in favor of the defendants, who were members of the same organization, while the plaintiff was not. It was sought to be shown that the juror had a pecuniary interest in the result of the case, because the City Council, composed of "Mormons," had appropriated money to defray the expenses of the suit. It had not, however, been shown that this appropriation had been made because the defendants belonged to the same church as the Council. It appeared to have been done because the defendants were officers of the city, and such proceedings were not uncommon; therefore the court could not conclude that the juror had any pecuniary interest in the issue.

Another ground of bias was that the doctrine of the Church of which the juror was a member was of such a character as to unfit him to be an impartial juror in the case. The doctrines, as laid down in the books introduced in evidence, and the testimony did not show that members were bound by those doctrines in any action, also showed that the theory was one way and the practice another. Some of the witnesses testified that the practice was one way and others another. It had been shown in some of the teachings that it was the duty of members to obey counsel in all things. Some expressed the opinion that that teaching included reference to juries, which others did not so understand.

There was no evidence to show that any teachings had been directed to jurors in any particular cases. The only evidence tending that way was given by Mr. Lawrence, who had once acted as a grand juror, and who stated that he had omitted, in that capacity, to investigate certain matters because he understood it to be against the policy of the Church that such investigations should be made, but he did not say that he had been deterred by being directed so to act. The same witness expressed a belief that a member of the "Mormon" church would not be an impartial juror when the interests of the Mormon Church were at stake, but when such was not the case he would act as impartially as any other. He also believed that if a Mormon juror believed that Brigham Young wanted a juror to take a given course that would be the direction he would take, independent of his own conviction to the contrary, but there was no evidence to show that this had ever been done. The Court could not conclude on an understanding, but must base its decision on the proved practice. The Court must look at the facts, and from the facts shown the Court could not say that this juror was partial, nor that he was under any influence outside the Court. The man himself declared that no outside influence could control his action in the case. If the rule was not good universally, as applied to all good Mormons, it was not good in this case. The facts had not been brought home to this man. The challenge is overruled.

The plaintiff excepted to this decision.

The further empanelling of the

jury to try the case was then resumed.

FROM THURSDAY'S DAILY, NOV. 11.

**Showery.**—A gentle, steady rain-storm commenced soon after daylight this morning and lasted till about midday.

**Flourishing his Pistol.**—Last night Phil. Kholheyer was arrested for having taken an over-extensive cargo of strong liquor aboard and flourishing a six-shooter in a threatening manner.

**Cheap Living.**—This morning S. Dougherty was before Justice I'pper for an attempt to live at the expense of other people, by getting meals and refusing to pay for them. He was fined \$5.

**Commendable.**—The more youthful and some of the older members of the Fire Brigade are organizing themselves into a Mutual Improvement Association. A temporary organization has been effected, and a permanent one will be made next week.

**Retiring.**—We understand that Phil. Kholheyer, the well known butcher, has sold out his business to another party, to whom it is said he has bound himself not to enter upon business in the same line again in this city. It is said that Phil. always sold lower than anybody else, the which had an air of mystery about it.

**At Omaha.**—The following is an extract from a letter from Elder Junius F. Wells, dated at Omaha, Nov. 5—

"I expect to remain here and hold meeting in a private house, where I have been invited to speak to a congregation of 'Mormons' who have only proceeded thus far on their way from the 'old country,' and desire to continue their journey to Utah. They have been, in some instances, many years on their way.

"The Texas missionaries are here and at Council Bluffs, waiting for Brother East, who is expected tomorrow. A good many apostates are in this place. We had hardly arrived before we were attacked by them, invited to their hall, etc. All attentions at their hands have been generally respectfully declined. The Elders have stout hearts and good faith, and will go right to work on the river side, laboring as opportunity affords, between here and St. Louis."

**New Panorama.**—Messrs. Alfred Lambourne and Reuben Kirkman have nearly completed the painting of a panorama to be entitled *Across the Continent, or From the Atlantic to the Pacific*. The views are painted in water color, or technically speaking, in distemper, and comprise the most conspicuous scenes, sixty in number, from ocean to ocean. The pictures, which are all finished excepting a few, are twelve feet six inches long, and of proportionate height, save one, a view of Salt Lake City, which is twenty-five feet long. We have seen a couple of the pictures and, in our judgment, to express it moderately, they are good, comparing favorably with those of the "Hibernicon" panorama, exhibited here some time since.

The experience of the painters as scenic artists, combined with the practice they have had in the more advanced branch of the art, enables them to execute readily the panoramic style, a leading quality necessary in which is boldness and dash, to produce distant effect, in which they have well succeeded in their present effort, so far as we can judge from the specimens we have seen.

When the panorama is finished it is the intention of the gentlemen named to exhibit it to the public.

## Our Country Contemporaries.

Ogden Junction, Nov. 9—

Mr. Robert Cunningham, a respected citizen, who lives on the Bench, went to his stables between 6 and 7 o'clock this morning to feed his horses. On entering the stable a horrible sight presented itself. A

long, three-tined pitchfork lay covered with blood, and one horse lay dead in the stall, which was also besmeared with gore. On examining the horse he found that it had been stabbed and lacerated behind and in the side, and one tine of the fork run into the right eye, penetrating the brain. The eye was completely demolished. The other horse was standing in the street uninjured, the halter strap having been cut. The fence, bars and gates were all closed.

Strange foot marks of a person who wears a large, coarse boot, were traced around the stable, through the orchard and down the hill on Seventh street, thence being lost on the hard sidewalk. Mr. Cunningham fed his horses about 8 o'clock last night, and left them all right. He heard the dogs barking at half-past 1 o'clock this morning, but thought that nothing unusual was going on.

Beaver Enterprise, Nov. 4—

The examination of Joseph Hunt, for the murder of John P. Hunter, commenced yesterday afternoon, before Hon. J. R. Wilkins, United States Commissioner. The prosecution was conducted by Assistant U. S. Attorney Whedon, assisted by Mr. C. J. Swift; Mr. Spencer Martin appeared for the defence. The following witnesses were examined—Marshal Allred, Dr. Herbert, Master W. B. Allred, and Samuel Porter; the prisoner was remanded to the custody of the United States Marshal, to await the action of the grand jury, for murder in the first degree.

Utah County Times, Nov. 9—

The grand jury of the First District Court met at the Court House in this city yesterday, according to previous adjournment.

We received notice this morning that Mr. Geo. W. Jacques will, on Saturday morning, the 13th inst., give 400 pounds of beef to the poor of this city. Bishops send along the poor.

We are pleased to notice that a postal car has been placed on the Utah Southern railroad, with Mr. J. A. Hiess as agent. Mail matter from the north and south is assorted and distributed on the car, at the various towns along the line of the road. This arrangement will be a great accommodation to the people throughout the county, and will insure promptness in the delivery of the mail matter.

Ogden Junction, Nov. 10—

Mr. H. B. Scoville has now got his factory in good and successful operation, and is laboring to turn out a very neat and also a very substantial broom, that will fill the wants of the people and give universal satisfaction.

Beaver Enterprise, Nov. 6—

The session of the county court yesterday, by an unanimous vote, elected Mr. John Coombs, of Beaver, sheriff of this county, to fill the vacancy occasioned by the resignation of Mr. John Hunt. Both the retiring and incoming officials are efficient men, and have hosts of friends.

The Missouri sheriffs now allow the condemned prisoners to lie down in their coffins and see if they will fit, and permit them other privileges, such as seeing the scaffold built, feeling the rope, &c.

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TERMS IN ADVANCE.

DAVID O. CALDER,

EDITOR AND PUBLISHER.