LOCAL NEWS.

FROM SATURDAY'S DAILY, SEPT. 27.

NOTICE TO Y. M. M. I. A.

The Semi-annual Conference of the Young Men's Mutual Improvement Associations will be held in the Assembly Hall, Saturday evening, October 4, at 7 o'clock.

The Superintendents of each Stake and other officers are especially requested to be present, and an invitation is extended to officers and members of the Young Ladies' Associations and all others interested in the work of Mutual Improvement.

WILFORD WOODRUFF,
JOSEPH F. SMITH,
MOSES THATCHER,
General Superintendency Y. M. M. I. A.

To Be Published.—Mr. Nicholson has disposed of his lecture—"The Tennessee Massacre and Its Causes, or the Utah Conspiracy," to the *Instructor* office, where it is already in the hands of the printer and will be ready before the end of next week. Owing to the great interest created by this lecture and the character of the subject, the pamphlet is likely to have an extensively large sale. It will embody the notorious "Red Hot Address" in full, besides a number of extracts which were alluded to but not read by the lecturer.

A Home Industry Progressing.—After quite a struggle to establish on a firm and profitable basis the business of manufacturing men's soft and stiff felt hats, Mr. Richard Smyth has at last got it upon a satisfactory basis, being able to turn out from 6 dozen to 12 dozen a week. He has a number of hands at work and produces hats equal in style and quality and at as cheap, if not cheaper, rates than the eastern goods in that line. Mr. Smyth is an excellent workman and deserves the success he has at last attained. Storekeepers can get supplies of home-made hats from him for the Conference trade.

Third District Court. — Proceedings before Chief Justice Zane on Saturday, Septemb r 27, 1884.

Admitted citizen—Ernest B. Adkins, formerly of England, now of Salt Lake County.

Wm. Evans vs. London Bank of Utah (L.); default and judgment as prayed.

Frankle et al. vs. John W. Young; default and judgment for amount prayed.

United States vs. John W. Young; Saturday, October 4th, set for arraignment of defendant.

Wm. M. Lacy vs. Henry Wagener; part stricken out to be made by changing the complaint accordingly and same to stand as amended complaint.

John W. Lowell Company vs. F. S. Wadsworth; default and judgment for plaintiff for $237.81 as prayed.

Grand Juror Thomas Cupit passed, and the panel and the jury box being exhausted, and but twelve jurors being in the box and fifteen being necessary, and necessity existing for panel, motion of C. S. Varian, Assistant U. S. Attorney, for an open venire to issue to U. S. Marshal, commanding him to summon a sufficient number of persons to complete the panel. Motion and question argued by members of the bar.

AN OPEN VENIRE.

THE QUESTION OF ITS LEGALITY DISCUSSED—JUDGE ZANE DECIDES TO GRANT IT.

The exhausting of the jury box in the District Court, in the ineffectual attempt to obtain a Grand Jury for the September term, raised a question to be decided by Chief Justice Zane which is almost without precedent in the annals of local jurisprudence. It will be remembered that the Poland Bill, which governs the jury system of Utah Territory, provides that two hundred names of citizens qualified to act as jurors, shall be chosen one by one, alternately by the Clerk of the District Court in each district, and the Probate Judge in the county where court is held, and these names placed in the jury box on the first of January of each year. Also, that from these two hundred names the Grand and Petit Juries of every term of court during that year shall be made up; the names once drawn from the box, to be discarded as no longer eligible, until the listing of another two hundred in the ensuing January.

Prior to the present emergency, the number thus provided has been ample for every demand, but owing to so many names having been rejected this year, through their owners refusing to answer negatively, or at all, the question as to their belief in the rightfulness of a man having more wives than one, the supply has been exhausted more rapidly than would otherwise have been the case. Hence the existing dilemma. Yesterday the last three names in the jury box were drawn and passed upon, and still the Grand Jury was incomplete. Therefore, the question that confronted the Court this morning, was whether an open venire should issue, empowering the Marshal on a writ furnished by the Court to summon from the street a sufficient number of persons to complete the panel, or whether there should be no Grand Jury until the listing of another 200 names next January, and the Jury should be formed according to the provisions of the Poland law.

There being a variety of opinions among members of the bar, as to whether an open venire could be legally issued under the circumstances, Judge Zane, this morning, on motion of the prosecuting attorney, Mr. Varian, invited a discussion of the question by the members of the legal profession who were present.

Mr. Varian arose first and expressed his doubts as to the power of the Court to grant an open venire, but preferred to hear from other lawyers present and so gave way.

Judge J. G. Sutherland was of the opinion that under existing circumstances the Court had a legal right to issue an open venire, as the Poland statute had been spent in the exhausting of the jury box, and the Legislature not having provided any measure to meet the present exigency, the common law procedure in the empaneling of juries ought to find application.

Mr. Varian supplemented Judge Sutherland's argument by various citations favorable to it, but still averred his dubiety as to the legality of the granting of the motion.

Judge C. K. Gilchrist deemed it not a debatable question. Congress, in order to act fairly—in response to the plea put forth that a portion of the inhabitants of the Territory felt that the Federal Judiciary were hostile to them—had provided a means in the Poland law whereby both sides could be equitably represented. He was sorry the present emergency had arizen, but it could not be helped. A plain proposition of law could not be avoided, that if this jury was not formed in the manner provided by law, it would be a nullity.

Judge Thomas Marshall held that the Court did not have the right to grant the open venire. Congress had expressed its will in the provisions of the Poland law, with a view to protect Mormon and Gentile alike, and deal out justice with an even hand, and the provision of that law in relation to the formation of juries was exclusive; it would be dangerous to attempt to thwart the will of Congress by disregarding this law.

Judge Harkness also held that the Court had not the power to grant the venire. The common law provision would apply in the absence of a statute, but the presence of a statute in this case put a different aspect on the matter. The right was not inherent in the Court to select juries in the absence of a law prescribing the method, and the Poland law bound the Court's action in this matter. Even if the Poland Bill was not exclusive, the common law did not direct the Court as to the method of selecting juries. All Territorial legislation inconsistent with the Poland Act had been repealed by it and there never was any common law in Utah to apply in the selecting of jurors. Thus was the Poland law exclusive.

Judge J. R. McBride held that if the Court had the power to act, it had the power to supply the means of acting. This power grew out of the inherent right of the Court to administer the law. When the statute had been exhausted, as in this case, the power of the Court was not gone. It was not claimed that the statute should be disregarded; the question being discussed only arose after the statute had been spent. If the Court had not the right to supply the jury in such a case, what right had it to keep a man in jail who, being entitled to a speedy trial, was kept there on account of there being no jury to try his case. It was an easy matter to exhaust 200 names in four terms of court. He had known 500 names to be so used up. He held that the Court should not be hampered and hindered by such a contingency. When the statute had been exhausted, all the powers to enable the Court to proceed, were implied, and the old common law procedure of the open venire, found application. He held, in short, that the Organic Act of the Territory carried with it the common law, and that it was applicable in this case, the statute having been exhausted. If Congress had intimated that the Poland Act was to be exclusive, that would settle the matter, but as it had not, it must be conceded that the statute was only intended to modify, and not to do away with the common law.

Mr. J. L. Rawlins cited a case bearing upon the question, where an open venire was issued to fill up two vacancies in a grand jury, caused by two jurors suddenly leaving the State. The indictment found by this jury was quashed because of this irregularity. The mistake in the argument that the Court could supplement the law under which it was authorized to select jurors, was shown in the fact that the Poland law was designed to be exclusive, for the purpose of giving each side a fair show, as had been stated, and dealing out even-handed justice to Mormon and Gentile alike.

Judge Zane at this point adjourned the court till 2 o'clock, at which time he announced he would render a decision. The full text of his ruling, which was delivered orally, will be found in another column. In it, as will be seen, he maintains the right of the court to grant the venire, which was done accordingly.

FROM MONDAY'S DAILY, SEPT. 29.

Information Wanted.—Mrs. Nellie Wedge, of Panacca Lincoln Co., Nevada, is anxious to know the whereabouts of her two nieces, Leonora and Maria Kronow, who immigrated to Utah with the last company.

Not So Bad.—A Pleasant Grove correspondent says the report that there are several new cases of diphtheria in that place, and that the malady is spreading is not well founded. We are glad to state that there no fresh developments of the disease in the place.

Suicide at the Grave-yard. — Shortly before going to press, word came to the NEWS office that a man had committed suicide at the Sisters' Hospital. Inquiry elicited the fact that the fatal event did not take place there, but at the grave-yard, where the suicide, who is no other than M. Goldsticker, the butcher, had been to visit his first wife's grave, and took his life, it was supposed by poison, while there. No marks of violence were found on his person, and at the time our inquiry was made there had not been an examination made by the doctors, which, however, was pending. The victim was brought to the Hospital about half-past 2 o'clock this afternoon.

THE MONEY IN THE TRUNK.

NOT IN THE MATTRESS, BUT RATHER EXTRAORDINARY NEVERTHELESS.

A sensational story appears in our esteemed morning contemporary, the *Herald* in its edition of Sunday, a story which, to use that paper's own words "equals the tales of the *Fireside Companion*." Fortunately for the comparison, but rather unfortunately for the *Herald*, its scribe allowed his imagination to gallop away beyond the facts.

Mrs. Hood an old lady living on the corner of North Temple and Second West Streets, in the Seventeenth Ward, died recently under circumstances which would lead those who did not know her habits and eccentricities to imagine that she was in great poverty. Those who were better acquainted with her, however, were aware that she had means, and that only recently she had received quite a sum of money in payment for a portion of her lot which she had sold. A number of relatives were present at her death, after which a nephew went to Bishop Tingey and asked him to come over and make arrangements for and take charge of the funeral. He consented to do so, and while looking through the trunk to find clean clothing in which to array the corpse, he and those assisting him found two or three bags containing money, the whole amount of which, as afterwards counted, was found to be nearly $5,000. The *Herald* states that a thorough search was instituted about the premises to find the hidden treasure which it was thought was concealed in some nook or corner of the place, and that the search proved successful when the hunters came to the mattresses in which they found a quantity of coin sewed up. The facts are as we have given them, the money was found in the trunk, without any special search for it, done up in two or three packages, and has been since placed, as the *Herald* properly states, in the bank pending the settlement of the estate. No will was left by the deceased, and the Court appointed Judge Snow temporary administrator.

ACCIDENTALLY SHOT.

YOUNG WILLIAMS, OF MILL CREEK, KILLS HIMSELF WHILE HUNTING.

A terrible accident occurred near East Mill Creek, in this county last Saturday, particulars of which reached the city yesterday morning. A young man named William Francis Williams, only son of Francis and Sarah Williams of that place, aged 19 years and 5 months, left his home about 9 o'clock on the morning in question in company with another young man named Herbert G. Smart on a chicken hunt. They went as far as possible on horse back, then sent their animals back by a third boy, while they proceeded on their way farther into the hills, where there was no possibility of going otherwise than afoot. About 10 miles from home, in a place known as Neff's Cañon, the accident occurred which resulted in the immediate death of young Williams. The young men had a gun apiece, that belonging to Williams being a double-barrelled fowling piece, and Smart's being a musket. They had only one ramrod, however, and consequently kept close together. They had hunted until about 4 p.m., when both reloaded their guns, Smart handing the ramrod to Williams and stepping about five rods away to shoot a chicken. As he was in the act of capping his gun he thought he heard Williams fire, and on looking immediately round he saw the latter falling. He ran to his assistance, but only heard the words "Oh God!" escape from his lips, and he was dead immediately. The charge went in his breast and came out at the back of his neck. The flash of the powder set his clothes on fire, which his companion extinguished with snow, with which he also washed the grime and dirt from the face of his friend. He then started for home and ran a distance of six miles before reaching a place where he could obtain a horse. From there he pushed on to the settlement, and communicated the sad news to the young man's parents and summoned the neighbors to assist in bringing the body home. It was nearly dusk before a party of 24 men could be collected to start for the scene of the accident. They were provided with lanterns, and after a long march and a somewhat extended search, they found the young man lying on his back, his gun by his right side, his powder flask not far from his feet. The supposition is that after loading the gun and while in the act of lifting it up, the trigger caught in his clothing and discharged the contents into his body.

Justice McDonald was on the spot in company with the rest and directed the removal of the body to the former home and announced that he would hold the inquest yesterday. The friends carried the body on a rude litter constructed for the occasion a distance of three miles down the steep mountain side to the point where the wagon was waiting to receive it. It was then conveyed to the home of the parents hewhere t scene which took place can be better imagined than described. Word was brought to a sister of the deceased, who is employed at the residence of Mr. Sears, in the 14th Ward, and the poor girl was completely prostrated by the sad intelligence. The parents were almost heart-broken, and the father in his anguish maintained that he had had a presentiment for some weeks that something terrible was going to occur. The young man has always been noted for his care in the handling of firearms, and he was one of the last of whom such an accident would be considered possible.

The funeral was to be held to-day at 1 p.m. at East Mill Creek.

A PACKED JURY.

THE RESULT OF AN OPEN VENIRE—THE PATENT SMUGGLING PROCESS IN OPERATION—JUDGE ZANE'S CHARGE TO THE JURY.

Our readers are familiar with Saturday's proceedings in the District Court up to the decision of Chief Justice Zane, which we printed in full, granting the motion for an open venire to complete the panel of the Grand Jury. After the Judge had ceased speaking, Mr. Varian, Assistant United States Attorney, submitted a written order agreeable with the decision just made, and the Marshal at once set out to find and bring in eight men from the street to go through the ceremony of saying they did not believe it was right for a man to cohabit with more than one woman (in the marriage relation).

The return was made about 4 o'clock, when the following named persons were brought in by the Marshal: C. H. M. y Agramonte, W. F. James, Bowman Cannon, Alexander Rogers, W. F. Barbee, N. D. Hodge, M. Livingston and J. J. Snell. Of these Messrs. Agramonte, Cannon and Snell were passed upon and accepted, which would have completed the panel had not Thomas Cupit, one of the jurors, asked to be excused, on the ground that he was a United States Commissioner. His request was granted, which left one more vacancy to be filled from those summoned on the open venire; M. Livingston was accordingly chosen, and the Grand Jury for the September term became an accomplished fact.

At this juncture Mr. F. S. Richards arose and stated to the Court that he appeared for William Hilton, who had been held to answer to this grand jury, and that before the jurors were sworn he desired, in Mr. Hilton's behalf, to interpose a challenge to the panel or array of the jury, under section 119 of the Criminal Practice Act of 1878, and also a challenge to each of the four individual jurors summoned on the open venire, as provided in section 120 of said act. Mr. Richards also stated that the rulings of the Court authorizing the filling of the panel by open venire had changed the practice which had prevailed in this Territory for the last twelve years, and was a matter of grave importance to the public and to parties accused of crime; there had been no opportunity to prepare challenges nor to procure authorities on the subject, and in view of its great importance and the fact that less than an hour of the court day remained, it being considerably past 4 o'clock then, he felt justified in asking his Honor to defer the swearing of the jury until Monday morning, in order that he might have till that time to prepare his challenges and get ready to argue the the same.

Judge Zane replied that he had been trying three days to get a grand jury and was going to impanel it now. He requested Mr. Richards to state the grounds of his challenge orally, which the latter did as to the panel as well as to the individual jurors, and again urged the propriety of a continuance, showing that the accused could only save the point by challenge before the jury was sworn, and thereby secure his right to have the matter reviewed by an appellate court, if the challenge was denied here. The judge, however, adhered to his determination to go on, and told the attorney to write out the grounds of his challenges or have the clerk do so, for the record.

Mr. Richards then submitted in writing a challenge to the panel of the grand jury for the following causes:

First—Because the requisite number of ballots was not drawn from the jury box.

Second—Because the notice of the drawing was not given in the manner provided by law, and no notice at all was given of the drawing of the names of C. H. M. y Agramonte, Bowman Cannon, J. J. Snell and M. Livingston, or either of them, who are on said panel.

Third—Because the drawing was not had in the presence of the officers designated by law, and no drawing of the names of C. H. M. y Agramonte, Bowman Cannon, J. J. Snell and M. Livingston was had at all, because neither of their names was ever on the jury list, nor was ever placed in the jury box nor ever drawn therefrom."

Judge Zane denied the challenge, to which exception was noted.

Mr. Richards then sat down to write the grounds of his challenge to the individual jurors, Agramonte, Cannon, Snell and Livingston, of which he had previously given notice, but before he could do so, the Court appointed C. H. M. y Agramonte foreman of the jury, and the clerk commenced to swear him. As soon as the foreman sat down and before either of the other jurors were sworn, Mr. Richards presented his challenge to each of the individual juror's names, and reminded his Honor that he had previously expressed his wish and intention so to do. The challenge was upon the following grounds:

That the said persons are not nor are either of them eligible jurors as provided by law, because their names were not on the jury list and were not placed in the jury box nor drawn therefrom.

Judge Zane said it was too late to present such a challenge because the jurors were in the process of being sworn. Mr. Richards took an exception to the ruling and the clerk finished swearing the jurors.

Judge Zane then charged the jury in these words:

Gentlemen of the Grand Jury:

It is my duty at this time to charge you with respect to your obligations as grand jurors.

The oath which you have just now taken requires you to diligently investigate all public offenses committed within the jurisdiction of this court. Whenever you have reasonable grounds to suspect that a crime has been committed it will be your duty to investigate it carefully in the light of all legitimate evidence. And, in doing so, truth must be your only motive. You cannot be influenced by fear, partiality or ill will, or prejudice in any of its forms. You must be impartial. Impartiality and truth go hand in hand; while passion and prejudice lead to error and injustice.

The law-making power has defined the various crimes which may be committed in this Territory, they relate to life, liberty and property; to truth, to character, to the institution of marriage, to the family, to chastity and purity, among which crimes are murder, larceny, burglary, perjury, false imprisonment, libel, bigamy or polygamy, and the cohabitation of any male person with more than one woman.

The law-making power has described the various crimes known to the criminal calendar by mentioning the acts, or the omissions to act, and the intentions, so far as they may be essential. It is one province of the legislator to describe such conduct as he may, in his wisdom, deem injurious to society, and to forbid it, and to enforce such prohibitions by appropriate penalties. It is the right of the law-making power to determine what conduct is injurious to society, and to prohibit it.

Gentlemen you cannot presume to be wiser than the law. You must receive it as it is written; and whenever the evidence raises a sufficient probability that a crime has been committed within the jurisdiction of the court, it will be your duty to return an indictment for such crime against the offender, however exalted, or however humble, his position in society may be. The public good, as well as the oath you have taken, requires you to respect the law and to aid in its enforcement regardless of consequences, for the terrors of the law, and a sense of its obligations, will be greatly increased and strengthened by the promptness and certainty with which its punishments are made to follow its violations. And this obligatory feeling, and dread of swift and certain punishment, protects our personal and property rights, and the various institutions of civilized society, among the most essential of which are the institutions of marriage and of the family: one wife, one husband and one family; for these and no more can lawfully and rightfully stand together under our laws and in the civilization of this age. We must respect, obey and enforce the law; it furnishes that restraint and guidance, and secures that deportment and conduct of the individual which enables men and women to co-operate in society for the happiness and good of all. It gives that confidence and faith which holds the moral elements of the world together; it shelters and protects us all. You cannot disregard the oath which you have taken, or elude or escape the obligations of the laws of your country."

Further instructions were given as to the duty of the foreman, the evidence required in such cases, careful scrutiny of testimony and the secresy necessary on the part of jurors as to anything said or done in the jury room. James D. McCurdy was then appointed to take charge of the Grand Jury in the capacity of bailiff, and they thereupon entered on their labors.

INTERESTING ITEMS.

RELATED BY ELDER JAMES H. HART TO A "NEWS" REPORTER.

During his stay in New York this season, Elder Hart has baptized four persons, men, says he, of more than average intelligence and education. One of them is an American, one a Swede, and the other two Germans. The two latter were soon after discharged by their employers on account of their new faith. One is a professor of music and languages, who graduated as Dr. of Philosophy; the other was foreman in a book bindery. Both