

# DESERET NEWS: WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - Nov 17, 1875.

## IS RELIGION A DISQUALIFICATION FOR A JURYMEN?

THERE are two astonishing pieces of news just originated in this city—one, that an Associate Justice has actually decided, after hearing testimony and argument for two days, that religion must not be held to be a disqualification in a citizen summoned to be a juror; and the other, that a conclave of citizens of free America should be so bereft of reason, so destitute of consistency, as to spring such a question, or allow it to be sprung before them.

The battle of religious liberty has been so obstinately fought in England and in America, and the victory has been so signal, in theory at least, that any question tending to impair that victory, or to nullify its natural results, can be entertained for a moment in this land only by the degenerate sons of noble sires, and others equally as bad as themselves.

With the characteristic insidiousness of the old spirit of persecution and tyranny, a mean advantage was taken of official and popular prejudice against a particular religion, to introduce such an un-American question before the court. But the principle of the question remains just the same. Really the question was not whether a "Mormon" was eligible to be a jurymen, but whether a profession of religion was a disqualification in any citizen for sitting upon a jury. That was the real question, however it may have been purposely disguised by associating it with "Mormonism" and veiling it with the current prejudice against that religion. The question is one which every true American would scorn to discuss, were he not required by his duty to do so, as in the instance of the defense in the present case. We consider that every citizen who is instrumental in bringing such a question up for official or public discussion is recreant to the genius of American liberty, to the principles of freedom upon which the government of the United States was founded, and which have so long been its proudest boast and chiefest glory among the nations.

If a "Mormon" could be rejected as a jurymen because of his religion, a Roman Catholic could be rejected for the same cause. If a Roman Catholic could, so could a Methodist. If a Methodist could, so could a Baptist. If a Baptist could, so could a Presbyterian. If a Presbyterian could, so could a Congregationalist. And so on through the entire long catalogue of religions. Every professor of every religion could be kept out of the jury box, America would then exhibit the spectacle of "godless" juries, infidel juries, all over the Union, for no other would exist or be allowed. But stay, the question would consequently and irresistibly follow—if a citizen can be rejected from a jury because he is a professor of religion, cannot another citizen be rejected because he is a non-professor of religion? With equal justice the question would be certainly answered in the affirmative. Then all unbelievers would be fenced out of the jury box. The Union would present the sublime spectacle of empty jury boxes here, there, and everywhere. The good old system of trial by jury, the great bulwark of civil, religious, and political liberty, the birthright and inheritance, the fundamental right of every American citizen, would come to an end in the United States, and as a natural consequence the machinery of the courts would come to a stand still, and lawlessness would be the universal rule throughout the land.

Seeing that this would be the natural and inevitable sequence of the admission that a citizen might be kept out of the jury box for his religion alone, we can come to no other conclusion than that the permission for a discussion of such a question in a court of justice was an act of superlative folly.

## WHAT IS HE?

THE Omaha Herald has been puzzling itself over a query as to the status of a certain associate justice, judging by his course. The Herald has no great opinion of him, seeing that he seeks to enforce the "lawless orders" of a late chief justice, and thinks that, after he has served his purpose, whatever that may be, "he will be kicked out like his predecessors in judicial infamy."

Still our contemporary does not appear to be able to satisfactorily classify the gentleman, but says, if he is not a so and so, what is he? "The question remains, what is he?"

To which we might say that it is difficult to answer in terms which would be considered flattering to the gentleman or his admirers.

## FOUND NO CAUSE.

IN the curious investigation in the Third District Court this week, connected with the question of the eligibility of believers in the "Mormon" religion to sit on a jury, the testimony of members of that church and also of apostates was taken, and the witnesses were examined, cross-examined and re-examined, yet nothing whatever could be proved in the direction sought. Even the apostates could hatch up no instance of abuse of the jurors on the account charged or implied in the challenge, as the court was obliged to confess. This is a most remarkable result, especially when we consider the facts that apostates are always supposed to have some terrible revelations to make, that the challenge charge or implication was understood to be a forced one, and that the believers in the particular religion involved had blind prejudices to contend with in all but those who were on the side of the defense. Not a single thing inculpatory was found during the full two days' investigation, and the effort to throw "Mormons" out of the jury box signally failed. The evidence was favorable and so clear that a judge of the most prejudiced type must have allowed that the charge or implication was altogether unsubstantiated. So the proposition to exclude the "Mormons" from juries fell to the ground as utterly untenable, notwithstanding all that prejudice or animosity could do to sustain it.

Such a result before any impartial tribunal would have surprised no one. Indeed it is exceedingly difficult to accept the thought that an impartial tribunal would ever have entertained the charge as a fit matter for discussion and judicial decision, it involving a questioning of one of those fundamental rights which underlie the American system of government, a right which, with all consistent Americans, has long been accepted as invested with the authority and weight of a self-evident truth. But when a "Mormon" is involved in a case, it appears that American traditions and fundamental and inalienable rights are liable to suspension in the hope of finding some sort of conviction against one of that hated religion.

As there is good in everything, so in this extraordinary investigation all is not evil. The examination of witnesses gave a few of the Elders of the Church the opportunity to lay some of the doctrines of the same before the Court, and it is to be hoped that the information thus obtained will be the means of correcting some judicial vagaries, and causing certain procedure to be characterized with a fair amount of legality, consistency, and common sense.

## NO INTEREST IN REDRESS FOR WRONG.

IN regard to a certain divorce suit, in which everybody knows the plaintiff has no case, as she herself admits, the Denver Tribune says the question may arise as to what redress the defendant "is to get for the money he may have paid her in the shape of alimony, but it will not be a question in which the Gentiles will take any deep and feeling interest."

Certainly not. Everybody knows that is the policy of "Gentiles" of

the Tribune's sort, and it is rather frank of that journal to openly confess the fact. They never do take any deep and feeling interest in refunding ill gotten gains. It is not in the nature of thieves to take deep and feeling interest in restoring that which they have stolen. How can they feel any interest in redress for their victims? Their deep and feeling interest is all absorbed in getting possession of other people's money, so that they have no interest left to bestow upon restoring that which they have stolen. That is the Denver Tribune's kind of "Gentiles." Obtaining the money of other people, by hook or by crook, is their study. They repudiate all idea of refunding, when their rascality can be no longer disguised or explained away.

## Local and Other Matters.

FROM FRIDAY'S DAILY, NOV. 13.

**Convalescent.**—Judge White may now be considered convalescent, being able to leave his room. He will probably be able to resume his judicial duties in a few days.

**Interviewing Them.**—The newspapers east and west begin to have lengthy reports of interviews with the "Mormon Missionaries" recently departed from this part of the world.

**The European Missionaries.**—By courtesy of Brother Staines, we are enabled to publish the following dispatch—

"NEW YORK, Nov. 12.  
"To W. C. Staines:  
"The Dakota, with James Sharp and party, arrived at Queenstown yesterday."

**Flint vs. Clinton.**—The empanelling of the jury to try the case of Flint vs. Clinton et al was completed yesterday afternoon, and the trial is in process, and will probably extend over several days.

Here are the names of the gentlemen composing the jury—Lucien Livingstone, James Johnson, John Tingey, John A. Jost, Homer Brown, David Evans, James Earley, Frank Cislser, B. F. Dewey, Samuel Woodward, Eli Ransohoff, and W. T. Reynolds.

**Legislative Suggestions.**—The following is a circular purporting to have been issued by the committee of eight whose names are attached to it—

"SALT LAKE CITY,  
November 8, 1875.

"You are invited to be present at a meeting to be held at the City Hall, on Thursday evening, the 11th inst., at seven and a half o'clock, to consider what (if any) steps can or ought to be taken, in view of the approaching session of the Territorial Legislature, to place before that body such legislative suggestions as the condition and needs of the Territory require.

"This invitation has been extended to the gentlemen whose names appear on the third page.

"Z. Snow, Thos. Marshall,  
Elias Smith, Frank Tilford,  
A. C. Pyper, H. C. Goodspeed,  
J. G. Sutherland, Geo. E. Whitney."

The following are the names on the third page—

J. G. Sutherland, John Taylor,  
Wm. Jennings, G. F. Prescott,  
Nathan Kimball, E. D. Woolley,  
A. H. Raleigh, Geo. M. Scott,  
Elias Smith, Jas. T. Little,  
Henry Snell, H. Gamble,  
J. R. McBride, S. W. Sears,  
Geo. E. Whitney, R. J. Golding,  
J. R. Walker, L. Cohn,  
John Sharp, John C. Young,  
H. S. Eldredge, O. A. Patton,  
Angus M. Cannon, Wm. H. Hooper,  
John Chislett, Frank Tilford,  
L. H. Hardy, A. C. Pyper,  
Wm. B. Welles, Geo. Crismon,  
A. W. White, J. L. Rawlings,  
C. W. Bennett, H. B. Clawson,  
S. A. Merritt, J. C. Royle,  
J. R. Winder, C. H. Hempstead,  
F. Auerbach, J. C. Hemingway,  
J. N. Kimball, Chas. Clayton,  
LeGrand Young, Thos. Jenkins,  
C. K. Gilchrist, S. Kahn,  
W. C. Dunbar, Sr., Byron Groo,  
Thomas Marshall, H. C. Goodspeed,  
Z. Snow, H. Wadsworth,  
Ben Sheeks, D. O. Calder,  
Jas. Jack, J. B. McKean,  
Geo. Thatcher, J. B. Rosborough,  
A. Miner, Wm. Carey,  
Stephen DeWolf, Sol Siegel,  
Wm. Haydon, P. L. Williams,  
C. R. Savage, H. W. Lawrence,  
L. H. Hills,

Accordingly all of the committee of eight, excepting Hon. Elias Smith, about one-third of the invited, and three or four gentlemen whose names did not appear on the circular, met at the time and place appointed last evening. The meeting was called to order by Thomas Marshall, on whose motion Z. Snow was elected chairman and George E. Whitney secretary.

Thomas Marshall, George E. Whitney and Frank Tilford alternately addressed the meeting, alluding to defects in existing Territorial laws, and to the necessity for legislation on subjects that had been heretofore neglected in that regard, calling for revision and fresh enactment.

The last named speaker in concluding his remarks stated, in effect, that there were two sources of legislation to which we could appeal, the Territorial Legislature and Congress, and if the first gives us the relief sought for, we may not be under the necessity of appealing to the second. If we go to the Legislature and should afterwards have to apply to Congress, the latter body will not have it to say, in answer, as a ground for refusal of our appeal, that we did not first make application to the Legislature of the Territory.

After a few remarks by J. G. Sutherland, that gentleman presented a resolution, substantially to the effect that the meeting if practicable, having a reasonable hope that their efforts in the direction sought would be kindly received, to mature such bills, and suggest such legislative amendments, for presentation to the Legislature, for the consideration of that body, as were deemed conducive to the best interests of the Territory.

After a few remarks by A. Miner, the resolution was adopted.

Thomas Marshall moved that a committee of five be appointed for each of the following heads of legislative subjects, to mature bills, suggest revisory amendments, &c., to present to the legislature—estates of deceased persons, criminal law, revenue, civil practice act, corporations, commercial law, statute of frauds, miscellaneous provisions.

J. L. Rawlings moved an amendment by inserting a separate head for Marriage and Divorce. The mover of the original proposition accepted the amendment, which was embodied in the motion.

John Chislett moved to amend by having a distinct consideration for a School Law. Mr. Rawlings did not think this was necessary, as the school teachers of the Territory, who probably were better informed on the subject in question than this meeting, were preparing a law on the subject, to present to the Legislature, but the mover of the amendment appeared, by his remarks, to indicate that his estimate of the influence of the teachers in the direction of legislation was not any heavier than might be, and that of the present legislative suggestions was comparatively ponderous. The amendment was put and carried, as was also the motion "as amended, making ten heads of subjects in all, involving the appointment of fifty committeemen, five to each, the appointing of whom was vested in the chair, he to report at another meeting, to be held in the City Council Chamber next Monday, at half-past 7, until which time the meeting adjourned.

**Home-Made Brooms.**—A couple of brooms made at the factory of Mr. H. B. Scoville, at Ogden, were left at this office this morning, having been sent in care of a gentleman of this city. In an accompanying note, the proprietor of the factory says that he is laboring to make a neat and substantial broom, and that he hopes to be able to furnish the Utah market with an article which, for durability, will be superior to that which is imported. Judging by the specimens sent we have no doubt that he will succeed, for they are really a splendid broom, and fully equal if not superior to any imported broom in the market, and this branch of home manufacture may now certainly be numbered among those which the artisans of Utah have made a success.

Mr. Scoville says that he has considerable corn on hand, but has room for as much more, and he believes that he can manufacture all that Utah can furnish until another harvest. Parties having broom corn to sell had better apply to Mr. Scoville, as he is prepared to take all their corn and furnish brooms therefor.

He says that his factory building and machinery have cost three thousand dollars, and he now desires to secure the patronage of the Utah public, and we believe that, if his prices are reasonable, the excellence of his brooms will command and ensure him all the patronage that he can reasonably expect or desire.

**The Missionaries to Australia.**—The following is from the San Francisco Chronicle of Nov. 10th, the "Elder" answering the questions being I. Groo—

"The missionaries are a good, solid-looking class of workmen, chiefly farmers. They are very unlike the conventional missionary with black suit and white neckerchief. They have a deep set repugnance to anything that has the make-up of the pulpit. They have a horror of ecclesiastical education, and are perfectly guileless of an acquaintance with 'the Fathers.' Still 'they are going out to preach the gospel.' The chief of them, said to the Chronicle representative: 'Some of these boys were never out of Utah before, never spoke in a meeting in their lives, but they are honest and they will soon learn to tell what they know.' And that is indeed the key to the Mormon missionary life."

**Reporter.**—Is this ever-recurring trouble in Utah going to keep on forever, or is there going to be concessions between the Mormons and Gentiles that will contribute to permanent peace?

**Elder.**—I see no end to it, but in Congress giving us a State government. All we ask is to be let alone; we desire to live in peace with all men.

**Reporter.**—The Mormons and the Gentiles have never lived together in peace?

**Elder.**—There is a certain class of Gentiles with whom the Mormons have not lived in amicable terms, but there are a great many men in Utah not of our faith whom we hold in high esteem."

FROM SATURDAY'S DAILY, NOV. 13.

**No More Tabernacle Meetings.**—The Sabbath meetings in the Tabernacle have been discontinued for the season, or until further notice.

**Personal.**—Yesterday we were called upon by Mr. Field, proprietor of the Beaver Enterprise, who is in the city on business.

**At Liverpool.**—Bishop John Sharp had a dispatch this morning, from his son James, stating that he and the elders travelling with him, arrived in Liverpool yesterday, all well.

**Bee Culture.**—All interested in this subject are invited to attend a meeting, to be held in the City Hall, commencing at 6 o'clock, this evening.

**Continued Till Monday.**—Yesterday the case of Kate Flint vs. Jeter Clinton et al., on trial in the District Court, was continued till Monday, Saturday being set apart for attending to business on the law calendar.

**First Load of Utah Slate.**—The first load of Fremont Island slate, from the quarry of Messrs. Pascoe, Shoebridge and Miller, reached this City this afternoon. The calculation is to start the manufacture of mantelpieces, hearths and roofing, &c., for which the slate, being of excellent quality, is admirably adapted.

**Too Much of It.**—Anthony Martin had too much stimulating beverage aboard to-day, and when in that state his tongue wags as if it were loose at both ends. He entered a butcher shop, and interfered with a customer, when he received a push, which caused him to assume a horizontal attitude on the sidewalk. He was arrested by a policeman, and Anthony gave vent to his feelings by indulging in the emission of a continued string of expletives and profanity on the way to the City Hall. The matter will culminate in an interview with Justice Pyper.

**The Missionaries.**—We have been permitted to peruse a letter from Elder Isaac Groo, dated at San Francisco, Nov. 9th, to a gentleman of this City. Elder Groo and companion missionaries expected to sail the following morning, the 10th, at 10 a.m. He had visited the bath establishment of Dr. Munro, where he found Brother Paul Schettler, whose health, he