THE EVENING NEWS.

Friday, - - Oct. 16, 1874.

The Grand Jury

After the exercise of a great deal of ingenuity, and the arrangement and use of the Carey Catechism, a grand jury was impaneled in the Third District Court last week, and, being duly and unduly charged, primed and prejudiced, were sent to their room to shoot off indictments. Their first shot was an indictment against one of their own number, who, declining to give the enormous bail of $10,000 required by the preaching judge, was committed and confined in the penitentiary.

Now it is a serious question whether or not this carefully selected jury is capable of finding a valid indictment. It seems to us not at all improbable that every indictment it finds will be quashed, and that too by the venerable Judge himself who presides in the Third District Court.

His Honor decreed that the Grand Jury should be composed of twenty-three citizens. We know of no law by which the Judge was authorized to do so. The "Poland" bill, under which this jury was impaneled, shows how the jurors are to be drawn, but makes no provision in regard to the number. It speaks of the number of names to be drawn from the list as previously directed by the judge, by which the juries are to be made up, but is silent as to the number required to form the juries.

In order, then, to determine the number necessary to constitute a grand jury, we must fall back on the Territorial statutes, which remain in force so far as they do not conflict with the provisions of the above-named bill. By the Act approved Feb. 18, 1870, it is provided that eighteen eligible men shall be summoned to serve as grand jurors, fifteen of whom shall constitute the grand jury. Fifteen being the number prescribed by the law, by what right has the Judge decreed that the number shall be twenty-three?

It may be answered, the judge has gone to the old common law of England to find the number. But there is no criminal common law in the United States, and the effort to extend the common law, by a special provision in the bill under which the jury was drawn, over Utah, was defeated by Congress, who expunged the section when making other important amendments.

We, therefore, regard the present grand jury in the Third Judicial District as illegal, and all the indictments framed by it as invalid and without force.

It may be asked, what object had the Judge in deciding that the number should be twenty-three? The question may be easily decided when it is understood that it takes twelve of the number to find an indictment, and it is much easier, under the "Poland" bill, to get twelve Gentiles out of twenty-three than out of fifteen, even when the Carey Catechism is made to have the force of law; and that the grand point to be gained is the indictment of influential "Mormons."

There is another query in connection with this important subject. If twenty-three is the proper number to form a Grand Jury how can twenty-two find a valid indictment? Col. T. E. Ricks, one of the panel, is committed to the penitentiary, leaving but twenty-two to answer the roll call, and attend to business. Twelve of the whole number agreeing can bring a true *bill*, but can twelve out of *part of a jury* find a bill which will stand the test of legal scrutiny?

Viewing the foregoing according to what light we have on the matter, we are of the opinion that the present Grand Jury is another of McKean's numerous blunders, and that all the acts of that body will be of no more value than the decisions of His Honor which the Supreme Court evaporated into thin air, and which drew upon him the ridicule and contempt of the whole bar of the United States.—*Ogden Junction.*

NEWS NOTES.

Forney writes that no public money is ever stolen in France.

According to the latest reports from Col. Forney, "England is about to take hold earnestly of the Centennial matter and we may expect shortly the news of vigorous and practical action."

Congressman Cain, colored, of South Carolina, says: "The war of races I regard as a mere chimer, feared by white and colored people only in proportion to their ignorance."

Senator Conkling told the delegates to the New York Republican Convention that President Grant *does*, "says the Boston *Globe*, "but is Conkling sure he knows?"

Poland and Frelinghuysen are still trying to explain their connection with their press gag law. Evidently these old Congressional rams imagine that by hauling in their horns they may lead the people to believe that they are lambs.—*Courier-Journal.*

Attorney General Williams has not been in a proper state of mind since he cut that ridiculous figure as the President's nominee for Chief Justice; but why he should distribute his bad temper over the South, which had nothing to do with either his incompetency or his failure, is a little singular.—*Ex.*

A Swiss priest gravely charges that during the last two years sixty-seven Roman Catholic priests have been convicted of immorality in France. In view of such facts, he says it is high time to restore by marriage the good name of the Romish priesthood, which the misconduct of too many of its members has covered with infamy, and therefore he is going to abandon celibacy.

It is a fact which is getting to be generally recognized that we have too many offices, too expensive a government, and too high taxes. The worst of it is that half of the office-holders are thieves. It is a harsh phrase, but the facts justify it. We must clean out the Augean stable, punish dishonest officials and reduce expenses. Will the Finance Committee go on in their good work?—*S. F. Chronicle.*

The Directors of the Pueblo & Salt Lake Railroad Company have held several important meetings recently. On Monday last M. D. Thatcher was elected President, O. H. P. Baxter Vice President, A. A. Bradford and James Rice were elected Directors, to fill the vacancies occasioned by the resignation of M. Anker and M. A. Shaffenburg, and Wilbur F. Stone was elected solicitor with H. C. Thatcher, in place of Hugh Butler.—*Pueblo (Cal.) People, Oct. 10.*

Some of Postmaster Jewell's associates in the Cabinet express the belief that he will not be able to sustain himself in the ruling, excluding all claim agents from the office, and that he will have to back down on account of its sweeping character. A further examination shows that this order will exclude two, if not three former postmaster generals, five or six assistant postmaster generals, and a number of prominent lawyers, who act as agents for railroad companies in their business before the several departments.—*Washington Correspondence of Cincinnati Times.*

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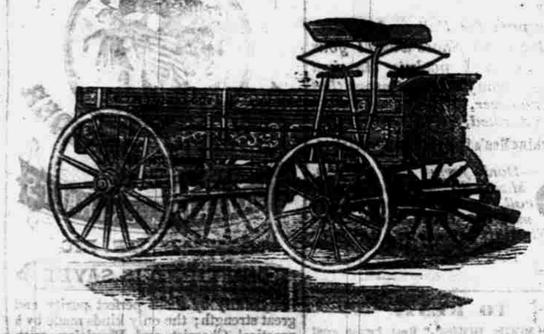

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