

## LOCAL AND OTHER MATTERS.

FROM MONDAY'S DAILY, OCT. 5.

## Impanelling the Grand Jury.

The Third Judicial District Court room, in the Clift House, was well filled this morning at 11 o'clock, the business immediately before the Court being the empanelling of the Grand Jury, whose names were drawn on the 14th ult., and printed in the News of that date. The following persons answered to the call of the Clerk of the Court: John Chislett, Benjamin Neff, John Alexander, W. L. Perkins, Iehel Watters, Warren Hussey, Louis B. Wilson, N. S. Ransohoff, Christopher Diehl, Jesse Elliott, Enos A. Wall, Oliver Durrant, Samuel R. Bennion, James Horrocks, Thomas E. Ricks, Abraham Zundell, Silas McGuire, Francis Platt, Frederick Auerbach, Charles B. Trowbridge, Hiram T. Spencer and William R. Judd. The preceding list contained all the names drawn except Robert B. Chisholm, the eleventh on the list, who was not present in court.

The Grand Jury were then sworn on their *voir dire*, when Mr. Carey, the U. S. prosecuting attorney, examined each one separately, the following questions being put to the owner of the first name on the list—Mr. Chislett:

Q. "Mr. Chislett, you are a citizen of the United States?"

A. "Yes, sir."

Q. "Naturalized or native?"

A. "Naturalized."

Q. "Where were you naturalized?"

A. "In this City."

Q. "In what court?"

A. "Judge Wilson's Court."

Q. "Did you reside six months in this Judicial District previous to the selection of this Jury, on the 14th day of September?"

A. "Yes, sir."

Q. "Have you any conscientious scruples against finding indictments in cases where the penalty would be capital punishment?"

A. "No, sir."

Q. "With regard to the punishment of death, do you believe there is any authority to inflict that penalty or punishment outside of courts of competent jurisdiction?"

A. "No, sir."

Q. "Have you any conscientious scruples against finding an indictment under the law of Congress against polygamy?"

A. "None whatever, sir."

Q. "You are not living in polygamy?"

A. "No, sir."

Mr. Chislett was accepted.

The preceding formula, with scarcely a variation, was put to each of the twenty-two jurors sworn, and all who answered to the same effect as the first person examined were accepted.

In examining Mr. Neff he answered all questions satisfactorily until the following:

Q. "You believe polygamy to be a crime do you, sir?"

A. "I don't know about that."

Mr. C. "Well, I wish you would make up your mind about that. The law of Congress makes it a crime, I want to know whether you consider it a crime or not."

A. "I do not know that I do."

MR. CAREY. "I challenge him, and interpose the challenge now."

COURT to Mr. C. "Is it your intention to present to this Grand Jury against persons for the crime of bigamy or polygamy?"

MR. C. "I think it is probable."

COURT. "You intend that that shall be done?"

MR. C. "Yes, sir."

COURT. "You now challenge Mr. Neff, do you?"

MR. C. "I challenge him."

COURT. "Mr. Neff, the Court understood you to say you did not know that you believed that polygamy is a crime. Did the Court correctly understand you?"

MR. NEFF. "Yes, sir."

COURT. "You are not satisfied then, that it is a crime?"

MR. NEFF. "No, sir."

THE COURT. "The public prosecutor challenges you for cause, that cause being the answer you made, the Court sustains the challenge. Mr. Neff, you are excused from the Grand Jury."

During the examination of Mr. Warren Hussey he expressed his opposition to capital punishment on general principles, but said that if the law of the land inflicted that penalty for murder his scruples would not prevent him from finding an indictment; so with regard to polygamy, he did not believe it was a crime, but if the law made it

so and persons were proved to be living in violation of that law, he, as a good citizen, would sustain the law and indict, but conscientiously he did not believe polygamy was a crime.

Mr. Hussey was accepted.

Mr. S. B. Wilson was a citizen of the United States, had resided in this Judicial District the required time, could read and write the English language, had no conscientious scruples about finding an indictment in cases where the punishment might be death, and did not believe that any but a court of competent jurisdiction had the right to inflict such punishment. So far all seemed satisfactory, but the aspect of affairs, so far as he was concerned, changed when the prosecuting officer asked him the following question:

Q. "Have you any conscientious scruples against finding an indictment under the law of Congress against polygamy?"

A. "Polygamy I do not believe to be a crime."

Q. "Then you would not indict if there is a law making it a crime?"

A. "I do not understand that there is a law making it a crime."

Q. "You know that Congress has passed a law making it so, do you not?"

A. "Yes, sir."

Q. "Then what do you mean by saying that you do not know that it is a crime?"

A. "Because, according to my faith, I do not acknowledge that it is a crime."

MR. C. "Now there are some things that are crimes *per se*, and some that legislation makes a crime. Do you mean to say that you do not believe Congress had any right to pass any such an act as the law of 1862 against polygamy?"

A. "They had a right to pass what they please."

Q. "Do you mean to say you would not obey?"

A. "I suppose I should be obliged to obey the law."

Q. "Would you feel justified in finding an indictment under that law if a man were living in polygamy?"

A. "No, sir, according to my faith I would not."

MR. CAREY. "I challenge the juror, if the Court please."

COURT. "The challenge will be sustained. You are excused, Mr. Wilson."

The next unsatisfactory person was Mr. S. R. Bennion, and until a certain point was reached his answers to the several questions put seemed to meet with approval, the first indication to the contrary was on being asked the following:

Q. "Do you believe polygamy to be a crime?"

A. "I do not."

Q. "Under the law of Congress you do not?"

A. "No, sir."

Q. "Are you living in polygamy?"

A. "No, sir."

Q. "Still you do not believe it is a crime?"

A. "No, sir."

MR. CAREY. "If the Court please, the juror answers all the questions satisfactorily, except that he does not believe that to be a crime which Congress has made so, therefore I think we are obliged to challenge him."

THE COURT to the Juror. "You say, Mr. Bennion, that you are not in favor of finding indictments for the crime of polygamy."

A. "I do not know that I could find an indictment against polygamy, although Congress has passed a law against it."

COURT. "The challenge is sustained, you are excused, Mr. Bennion."

Mr. A. Zundell was evidently a somewhat unstable sort of a person, so much so, according to his own acknowledgment, it was very likely that the views and sentiments which he held today might be changed to-morrow. The prosecuting officer seemed somewhat bothered with this juror for some time, but finally he made up his mind to challenge him. The following is the report of Mr. Zundell's examination and the result of it:

Q. Mr. Zundell, are you a citizen of the United States?"

A. "Yes, sir."

Q. "Native or naturalized?"

A. "Naturalized."

Q. "Did you reside in this Judicial District for six months prior to the fourteenth of September last?"

A. "Yes, sir."

Q. "Can you read and write the English language?"

A. "Yes, sir."

Q. "Have you any scruples about finding an indictment in a case where the punishment would be death?"

A. "No, sir."

Q. "Do you believe that any but a court of competent jurisdiction has the right to decree such punishment?"

A. "No, sir."

Q. "Have you any conscientious scruples against finding an indictment for the violation of the law of Congress against polygamy?"

A. "I am not living in polygamy."

Q. "Do you believe polygamy to be a crime?"

A. "Yes, I do in a certain form."

Q. "Will you be definite?"

A. "There are various kinds of polygamy. Under the law that now exists—"

Q. "Do you understand what that law refers to?"

A. "I believe I do, I have read the law, and I believe I understand it."

Q. "For a violation of that law could you, under your oath and conscience, find an indictment?"

A. "I think I could if properly proved."

Q. "Almost all your answers have a little qualification. What do you mean by properly proved? You either have or have not convictions against that law, and I would like to know whether you have or have not."

A. "If you have you would not be authorized to find an indictment of any kind under that law or any other law, but you do not seem to qualify anything but that. What do you mean by proper proof?"

A. "Just as under any other indictment, I should want proof or evidence."

Q. "Well, if you were satisfied that a man was living in polygamy, and had gone into it since the passage of the law of '62, satisfied that he was living with more than one woman, if you were satisfied with the proof, would you under these circumstances find an indictment?"

A. "I think I could under my present feelings. A man can't always tell one day what his feelings will be next."

Q. "Are you living in polygamy?"

A. "I am not."

Q. "You say a man can't tell one day what he will do the next; that is not a satisfactory answer. Do you suppose that a man's conscience, and his views of law are liable to change every twenty-four hours?"

A. "No, I do not suppose they are, but we are all liable to change somewhat in some respects."

Q. "How do you feel about it?"

A. "I believe I could find an indictment to-day."

Q. "But it is uncertain how you will feel to-morrow?"

A. "Yes, sir." (Great laughter.)

MR. CAREY. "I challenge the juror."

THE COURT, in a very stern tone of voice. "Mr. Zundell, stand up. Do you make this answer in order that you may have an excuse to-morrow for thinking differently?"

A. "No, sir."

THE COURT. "What is your reason for that sort of an answer?"

A. "Well, I don't know that I can assign any reason, we are liable to change sometimes."

THE COURT. "Do you make that answer in order to keep your seat on the jury?"

A. "No sir, I do not."

THE COURT. "Do you think that you will probably change your view to-morrow or any other time on that subject?"

A. "I don't know as I will."

THE COURT. "Don't know as you will?"

A. "No sir, I don't think I shall."

THE COURT. "Do you intend to help enforce the law of 1862 against polygamy?"

A. "Yes, sir."

THE COURT. "Conscientiously and in good faith?"

A. "Yes, sir."

THE COURT. "Do you think you are going to change your views to-morrow in regard to the subject of murder?"

A. "I think not."

THE COURT. "Do you think you will change your views to-morrow on the subject of arson, larceny or burglary?"

A. "No, sir."

THE COURT. "You have no doubt about that?"

A. "No, I don't think I have any doubts."

THE COURT. "You are challenged, Mr. Zundell, and I do not like your qualifications on the subject of polygamy, there are always some mental reservations where there are such qualifications; but nevertheless, as you say, to-day, you think you can find indictments, and you conscientiously mean, notwithstanding your damaging qualifications, to help to enforce that law, although I do not like your answer at all, I will over-rule the challenge and let you keep your seat, and try how soon you will change your mind. The challenge is over-ruled."

Mr. Auerbach answered all the questions satisfactorily, but expressed a decided objection to finding an indictment for murder where the evidence was wholly circumstantial. When Mr. A. had passed the ordeal of Mr. Carey's catechism and was accepted, the following dialogue took place between him and the Court:

THE COURT. "Mr. Auerbach, have you not heard of cases where the testimony was positive and yet turned out to be false, where witnesses have committed perjury, or have been mistaken? Where it was even positive and yet turned out to be false, such is the fallibility of human affairs?"

MR. A. "I could not say that such a case has passed my mind, I may have read of such a case."

THE COURT. "I suppose you mean that you would want very satisfactory evidence?"

MR. A. "I should."

THE COURT. "Evidence carrying strong conviction to your mind?"

MR. A. "I do."

THE COURT. "We should never guess at a man committing murder."

Mr. W. R. Judd answered all the questions of the prosecuting officer satisfactorily and was accepted, although he admitted that he was living in polygamy, but said that he had not entered it since the passage of the law of 1862.

The acceptance of Mr. Judd exhausted the names on the panel, and the Court ordered the marshal to draw more from the box containing the slips from which the former names were drawn.

The first name drawn was that of Mr. W. F. James, who was in Court, and was examined and accepted.

The next name drawn was that of Mr. Edward C. Chase, who, the Clerk informed the Court, was a resident of Stockton, Tooele County. The Marshal said that he could be summoned this afternoon so as to be in attendance in Court to-morrow morning.

Mr. Franklin Merrill, a resident of Salt Lake City was the next drawn.

Mr. Aaron Dewitt, a resident of Cache Co., was next drawn, but as it was considered that he was too far away to arrive in this city by ten o'clock in the morning, his name was ordered to be laid aside, not to be returned to the box. The name of Horace Bliss was next drawn and laid aside for the same reason as that of Mr. Dewitt; the name of Mr. A. L. Hale, of Grantsville, Tooele Co., shared the same fate for the same reason; and finally the name of Mr. S. D. Sirrine, a resident of this city, was drawn, and the marshal was ordered to have Messrs Chase, Merrill and Sirrine in court by 10 o'clock in the morning, until which time the Grand Jurors were excused.

On motion of Mr. Tilford, Mr. Joseph L. Rawlins, of this city, was admitted a member of the bar, with the following address from the Court:

"Mr. Rawlins, under the report of the Committee of Examination in your favor I shall admit you to this bar, to a profession which, practiced by the best of us, is a highly honorable profession. All lawyers do not contribute to the honor of their profession, as some members of all professions fail to contribute to the honor of their particular profession. But there is no profession that ought to be more honorable than that of the bar. Men who deal with human rights and seek to redress human wrongs ought to be men of the highest honor, and those who reach the greatest distinction are so. I trust and do not doubt that you will be one of that number. Mr. Rawlins, the Clerk, at his convenience and yours, will administer to you the proper oath in open court."

The court shortly afterwards adjourned until to-morrow morning at 10 o'clock.

## By Telegraph.

## AMERICAN

NEW YORK, 2.—Henry Clews & Co. have obtained a further extension of time upon a portion of their paper, given after the panic last year.

The American and Irish teams competed at Creedmoor for the Bennett long range prize to-day; darkness interrupted the match, leaving each man five shots to be fired to-morrow at 1000 yards. The score was, for the Americans at 800 yards, 323, 900 yards, 294, 1000 yards, 260, total, 887; for the Irishmen, respectively 328, 302, 259, total 889.

Plymouth Church was packed with people this evening, to hear Beecher, on his return from his summer vacation. At seven o'clock there was no standing room, either in the church or passages, and ladies were frequently borne out during the services in a fainting condition. Among those present were Mrs. Beecher, Charles Beecher, Dr. Edward Beecher, Colonel Beecher, Mrs. Harriet Beecher Stowe, assistant pastor Halliday, all the members of the late investigating committee, Prof. Rositor W. Raymond, and the trustees of the church. Promptly at 7.30 Mr. Beecher came on the platform; and was received with a storm of applause. He gave out the hymn, "Praise God from whom all blessings flow," which was sung by the congregation with great spirit. He then offered a brief prayer, in which he thanked God for this meeting on the 27th anniversary of his pastorate of the church. He prayed that much good might accrue from his labors during the coming season, and returned thanks to God for all his past blessings. Another hymn was sung and prayer offered by Prof. Raymond. He besought the Lord to bless the man on his right hand, and gave thanks for the trials of discipline brought upon their pastor, which was for the glory of Zion. After the congregation had sung another hymn Mr. Beecher, rising to his feet, said he would much rather have met his friends as usual at the end of his vacation, but he was anxious that the good old customary Friday night prayer meetings should not be departed from; they were met together as in so many years before at the commencement of what might be a new year, to consecrate themselves to the spread of Christ's kingdom on the earth. When troubles carried us away under burdens that we had not strength to bear, and under the waves of sorrow when our strength failed, God's strength began; when sorrows were no longer to be tolerated, and men came to the end of their endurance then in its plenitude and abundance came the everlasting presence and power of the Almighty. Then men looked back with amazement to think that their courage ever failed, that when affliction or trouble was on man he should hold down his head as a prisoner in chains. It was for us to lift up ourselves from the visible to the invisible, and though there might be troubles low down, the Lord was above the cloud. He made an appeal to the young men of his congregation to grow in righteousness and in the spirit of truth, and say to themselves, "I shall not crumble in dust, but shall rise irresistible in the power of the heart of Christ."

Mr. Beecher said—"I ask not your confidence or sympathy, but the unity of a blessed hope that you feel a sympathy for the weak, to lift them up and save them for Christ." He alluded very remotely to the discipline the church had gone through, which he thought was only a kind of a grind stone to sharpen their weapons of spiritual warfare for the remainder of the year, and he thought they should all be animated by the spirit of love, joy and peace in God. This had been their animating purpose for twenty-seven years, and they would come out of this tribulation for no other purpose than the glory of God. At the close of the meeting the friends of the pastor crowded around him, and a scene of handshaking and congratulation ensued, lasting some time.

A correspondence of the London Times of Sept. 21, says that the Governor of Algeria has forbidden Mahomedan pilgrimages from that country this year, on account of the plague having appeared in the neighborhood of Mecca, and of the danger of its extension to Egypt and Europe.