

Correspondence.

DOES HISTORY REPEAT ITSELF.

BEAR RIVER, Dec. 23, 1873.

Editor Deseret News.

Utah's people might long since have been disfranchised by Congressional enactments through the efforts of intolerant wire workers, had we not yet in the American nation men with noble souls and liberal sentiments, who, like the venerable fathers, firmly hold that any community or set of people, who, by their unceasing toil and energy, have caused a blooming and prosperous country to exist where chaos and desolation before had dwelt, regardless of their religious views, &c., are entitled by heaven-born rights to stand on their suffrage inviolate and regulate all local matters within the State or Territory made by them, as with sovereign authority. The success of the Pilgrim Fathers on this western continent attracted numerous adventurers from Albion's shore, such as would not have shared in the scale and lofty scorn that had become the pilgrim's lot, nor followed in the billowy ocean path of the *Mayflower*, nor toiled with them beyond "Plymouth Rock," in a land that had for ages been the dreary haunt of savages and wild beasts. When such adventurers could not dwell in the best houses, possess the richest fields, orchards and vineyards, hold the civil offices, control the revenue and govern all the commerce, etc., created alone by their (the Pilgrims') despairing toil, prudence and watchfulness, slander, lying and misrepresentation were wafted over the wide Atlantic, and the king was appealed to to take measures against the exclusive, hardened and treasonable colonists, as they were called. Governors, judges and armies soon became plentiful in Young America, sent by the king to convince the original settlers of the errors of their ways. Original charters, as well as natural rights, were trifled with and annulled, and law technicalities were unfairly and ungenerously applied to obliterate the existence of a brave people. Any reason or intimation to the parent government that serious evils might grow out of such oppression was unheeded or ridiculed by the mighty monarch who, like Belshazzar, was "Elate with pride and drunk with power" and inclined to crush the weak. Trace it from beginning and it becomes self-evident that history is apt "to repeat itself" as regards the situation of this people and their enemies compared with the Pilgrims, &c. We are looked upon with jealous eyes for the progress and advancement we have made, and men who have loyalty in their mouths, but not in their hearts, more than Arnold the traitor, are ingeniously striving to reap where they have never sown. Let them consider the reasoning of an eminent writer and statesman, "No craving governors, no well-endowed clergy, &c., were anxious or on the alert to come over to our cheerless Eldorados of ice and snow." "No, they could not say that they had encouraged the pilgrims, their own cares, their own labors, their own councils, their own blood, contrived all, bore all, sealed all. They could not afterward fairly pretend to reap where they had never sown, and as our fathers reared this broad and solid fabric with pain and watchfulness, unaided, barely tolerated, it did not fall when the favor which had always been withholden was changed into wrath, when the arm which had never supported was raised to destroy." Then let us hold our own. We can well afford to be subject to the constitution and general laws of the land. We respect strangers coming to dwell with us who build their own houses and don't homestead on our individual land claims. We say to them, go ahead and be prospered.

TRAVELER.

A TEA PARTY.

MANTI, Dec. 18, 1873.

Editor Deseret News:

Manti is alive and fraught with big events. To-day the thing of most importance on the tapis was a grand demonstration, the object of the same being to celebrate the centennial of that famous fact in American history, the destruction of English teas at Boston. The citizens, decked in holiday attire,

turned out in mass to do honor to the occasion; and, of a truth, it was a sight calculated to loosen the heart strings of the veriest misanthrope that ever graced (disgraced) this beautiful snow-clad sphere. Men, in all the vigor and manly strength of free men, on whom Nature had put her indelible stamp of freedom's sons; women—but what shall I say about them? Vainly did I look for that sad, careworn expression which penny-a-liners love to dwell upon when treating of the women of Utah. Not a trace, not a vestige of it was apparent on the faces of the fair beings which I scanned, and that not with a careless scrutiny, but as a connoisseur who delights in his task. This is what burst upon my vision—a spacious hall, decked out in the green productions of mother earth, tastefully entwined in wreaths, mottoes and festoons; a platform upon which were seated the elite of Manti, to the front the bishop (or father of the people) and orators of the day, over whose heads floated in graceful folds the flag ever dear to an American's heart, of which "Mormons" are noble types—the glorious stripes and stars. There was an audience which, gathered together under similar circumstances, would do honor to any settlement, town or city in the United States. The orators of the day were Prof. W. T. Reid, F. R. Kenner, M.D., O. F. Spencer, LL.D., and Hon. Judge Peacock. The several speeches were eloquent productions, masterpieces worthy the master minds from which they emanated. Conspicuous by the absence of that fiery rabidness which, in other communities, usually characterises speechifying of a like nature, all was calm, placid, vivid, and truthful. Not a word was uttered nor a sentiment expressed at which the most sensitive could take umbrage. The vocal exercises by the choir were worthy the former productions of that talented and distinguished body of artists which speaks volumes for their leader, J. C. Brown, Esq. The string and brass bands, under the able guidance of Capt. Westenskow, discoursed excellent music and enlivened the proceedings by soulstirring and inspiring strains, prominent amongst which were "Dixie," "Hail Columbia," and "Yankee Doodle," which stood out in bold relief. An item in this great musical melange not to be lightly passed over, because gallantry as well as merit forbids, was the performance on the organ by sister Milo, a young lady, one of this year's imports from old England. She exhibits musical abilities of no mean order and especially in her rendition of the "Battle of Delhi," won golden honors by her accurate accentuation and wonderful powers of fingering. After various toasts and sentiments by parties from the audience applicable to the occasion, benediction was pronounced by Patriarch Snow, and the people separated, bringing to a close one of the happiest times which it has been the lot of this people to experience. Christmas and the holidays are with us, enough of the "beautiful" to make sleighing pleasant. The lads and lasses are on the *qui vive*; with dancos innumerable, making at night bright eyes brighter, but in the morning yaw, yaw. Respectfully, yours,
SLEEPER.

Morgan County—Education.

MORGAN CITY,
December 23, 1873.

Editor Deseret News:

Morgan county citizens are enjoying the holidays as only those can who are in a mountainous country where sleighing is in vogue.

This county, after having grasshoppers for the last six years, in 1873 succeeded in raising a handsome crop, amounting to about seventy thousand bushels. This has infused new life into the citizens generally, although, I fear, we are exporting too much grain, having a good market right at our door—the U. P. R. depot.

Supt. Campbell, of your city, was out here yesterday, and lectured on the importance of education. His remarks were soul-stirring in the educational cause. If he realized the good such lectures do in the country, he would come oftener.

I could not refrain from endorsing his happy remarks, and throwing in my mite in the interests of the education of our youth. We are doing, however, as well with

our young folks as our circumstances permit, and notwithstanding the great drawbacks experienced in our county the U. P. R. has come to our rescue and aided us considerably in building school-houses and making preparations for doing good school work. The talk is of establishing an intermediate school in this city, so that our county can have a place to send our advanced scholars, which although but few are yearly increasing. There is talk of establishing a county branch of the D. A. and M. society in this county. I hope the plans will soon mature to ripen this project, that Morgan County may be fully alive to the interests of Utah generally.

Respectfully yours,
W. EDDINGTON.

The Utah Jury Law.

SALT LAKE CITY,
Dec. 27th, 1873.

Editor Deseret News:

Sir—Our Legislative Assembly is soon to meet, and as much has been said on the subject of our jury law, I deem it a duty to request you to publish it entire, to the end that the members of the Assembly and the people may see its merits and its demerits. It is as follows:

The Act entitled an Act prescribing certain qualifications necessary to enable a person to be eligible to hold office, vote, or serve as a juror, approved January 21, 1859. See Utah laws p. 58. (Sections 1, 2 and 3, omitted, as they do not relate to jurors.)

SEC. 4. A person is not eligible to serve and therefore shall not serve on any grand or petit jury in any court in this Territory unless he is a free, male citizen of the United States, is over twenty-one years of age, is of reputed sound mind and discretion, is not so disabled in body as to be unable to serve, has not been convicted of any capital or infamous crime, owns taxable property and pays taxes in this Territory, and has been a constant resident therein during the year last preceding his being selected to serve as a juror.

SEC. 5. And be it further enacted that no officer or soldier of the United States army or other person subject to their military authority is eligible to hold any office or serve on any jury or vote at any election in this Territory, unless his home and place of residence was therein at the time of engaging in such service.

SEC. 6. No person shall be deemed a resident within the meaning of this act, unless he is a tax payer in this Territory.

At the same session in which the foregoing Act was passed, the following Act was passed, omitting sections 5, 6 and 10, which have since been repealed:

An Act defining who are exempt from serving on Juries, and prescribing the mode of procuring Grand and Petit Jurors and Juries for District Courts, and for other purposes.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That members and officers of the Legislative Assembly, judges of Probate Courts, selectmen, county treasurers, clerks of the Supreme, District, Probate and County Courts, the Territorial marshal, deputy marshals, sheriffs, deputy sheriffs, constables, attorneys and counselors at law, persons at the time engaged in teaching school, ferrymen, millers, physicians, surgeons and editors of newspapers and other periodical publications are exempt from serving either as grand or petit jurors.

SEC. 2. The County Court in each county shall, at its first session in each year, and at such subsequent session, or other time as a neglect so to do at said first session or as other circumstances may require, make, from the assessment roll of the county, a list containing the names of at least fifty men, residents of the county, eligible to serve as jurors.

SEC. 3. Said list shall contain only the names of such persons as are known or believed to possess the requisite qualifications for jurors, and not entitled to exemption from jury service; and the names thereon shall be apportioned among the different sections of the county, as nearly as may be, according to the names on the assessment roll; and the selections of persons to serve as jurors shall, from time to time, be made in such manner, so far as the County Court can judge, as to cause the eligible persons to perform jury

duty as nearly as may be in rotation.

SEC. 4. Said list shall contain the Christian and surname at length, and the place of residence and occupation of each person named therein, and shall be filed with the clerk of the County Court, who shall keep in his office a box or other safe place of deposit in which he shall deposit the names on the list, having previously written each name on a separate ticket and so folded said ticket that the name thereon does not appear.

SEC. 7. Upon the conclusion of the drawing, and previous to the filing as aforesaid, said clerk shall forthwith make a list of the names of the persons drawn, if any, to serve as grand jurors, and a list of the names of the persons drawn, if any, to serve as petit jurors, and certify to said list, or lists, and deliver it, or them, to the officer having the writ from the clerk of a District Court to summon jurors.

SEC. 8. The officer having the writ and jury list, or lists, in charge, as hereinbefore provided, shall, immediately upon his reception of said list, or lists, proceed to summon the persons named on said list, or lists, to attend said court, specifying the time and place of its sitting; which summons shall be served by giving each person a written notice, or by leaving a copy of the summons at his residence in care of some person of suitable age and discretion.

SEC. 9. If, in summoning the persons named on said list or lists, said officer becomes aware that, from any cause beyond his control, there will be a failure by one or more of said persons to appear as required, he shall forthwith repair to the aforesaid clerk of the county court, who shall with the said officer proceed to draw, as hereinbefore provided, until the required number of jurors can be procured; and said officer shall return said list or lists, and writ to said district court at the time specified, and shall specify the persons summoned and the manner in which each was summoned.

SEC. 11. After a grand jury is empanelled, sworn or affirmed and charged by the court, said court shall appoint one of their number to be their foreman; and said foreman shall have power to swear or affirm all witnesses to testify before the said grand jury; and shall, when the grand jury or any twelve of them have, upon to them good and sufficient evidence, found a bill of indictment, endorse thereon the words, to wit—"A True Bill," and officially sign his name to said endorsement, and also note or cause to be noted on the bill of indictment the name or names of the witnesses upon whose evidence it was found.

SEC. 12.—The clerk of the District Court shall write upon separate tickets the names of the persons returned to serve as petit jurors, shall so fold said tickets that their names thereon do not appear, shall deposit them in a box or other safe place of deposit, and, when ordered by the Court, draw from said box or place twelve names; and the persons whose names are drawn shall constitute a petit jury, except such as are legally rejected; and in case of such rejection, said clerk shall continue to draw until said petit jury is complete; and if the number of the petit jurors returned to said Court shall be exhausted, then the proper officer shall, upon the order of the Judge, summon talesmen from the body of the county to complete said panel.

SEC. 13.—If during any term of a District Court, the number of jurors provided proves insufficient, the Clerk of said Court shall immediately issue a writ, directed to one of the officers before named as the persons to serve such writs, for the requisite number; and said officer shall at once proceed to procure them in the manner hereinbefore provided; and in case said writ exhausts the names already selected, the clerk of the county court of the proper county shall forthwith call a meeting of said court, which shall immediately select, in the manner already specified, at least as many names as may at that time be deemed sufficient.

SEC. 14. A District Court is hereby empowered to sit at the county seat of any county within its district, to try cases arising in such county, whenever the County Court of said county shall make provision to defray the expenses of said District Court.

SEC. 15. If any person fails to appear as a grand or petit juror when

lawfully summoned, or if a Marshal, or his Deputy, or any Clerk of the District or County Court, or any Sheriff, or his Deputy fails to fulfil the duties enjoined upon him in this act, without having a reasonable excuse, he shall be considered guilty of contempt, and may be fined for each offense, for the use of the county in which the defendant resides, in any sum not exceeding fifty dollars, unless, at or before the next term of said District Court, good cause be shown for such failure: Provided, that the oath or affirmation of any such delinquent shall at all times be received as competent evidence in his favor.

SEC. 16. It shall be the duty of the clerk of the District Court, at the close of each term of said Court, to make out and give to each juror a certificate, certifying the number of days attendance of and amount of compensation due to said juror, which certificate, upon being presented to the County Court of the county from which said juror was summoned, shall entitle said juror to be allowed and paid by said county, the sum specified in said certificate, as other demands against the county are paid: Provided, that no juror shall be paid out of the county treasury for any jury service for which he may have received or be entitled to receive pay for sitting as a juror upon United States business.

Approved January 21, 1859.

There is an act, approved February 18, 1870, which is as follows, viz.—

An Act to amend an Act defining who are exempt from serving on Juries, and prescribing the mode of procuring Grand and Petit Jurors, and Juries for the District Courts, and for other purposes, approved January 21, 1859.

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah that sections five, six and ten of the Act defining who are exempt from serving on juries, and prescribing the mode of procuring grand and petit jurors, and juries for District Courts and for other purposes, approved January twenty-first, eighteen hundred and fifty-nine, be and the same hereby are repealed, and in lieu thereof the following be enacted:

When a District Court is to be held for a district, and the judge thereof is reliably advised that the ends of justice will be materially promoted by so doing, he may apportion the jurors, both grand and petit, between two or more counties of his district.

SEC. 2. When a District Court is to be held, whether for a District or a County, the clerk of said court shall, at least thirty days previous to the time of holding said court, issue a writ to the Territorial Marshal, if said court is to be holden for a district, or to the sheriff of the county in which said court is to be held, if said court is to be held for a county, specifying the time and place of holding said court, requiring him to summon eighteen eligible men to serve as grand jurors, and eighteen eligible men to serve as petit jurors.

SEC. 3. Upon the reception of said writ the Territorial Marshal or sheriff, as the case may be, shall proceed to the office of the clerk of the County Court of the county from which jurors are to be summoned, and the said clerk shall, in the presence of the officer, thoroughly shake the tickets previously deposited in a box or other safe place of deposit, and draw therefrom, promiscuously, the number of jurors required to be summoned from such county for grand jurors and for petit jurors, keeping separate lists; and those drawn for grand jurors shall be summoned for grand jurors, and those drawn for petit jurors shall be summoned for petit jurors, which lists shall be signed by the clerk and officer having such said writs, and filed in the office of said clerk.

SEC. 4. The Court shall impanel, out of the list summoned as grand jurors, fifteen eligible men to serve as grand jurors, *Provided*, if from any cause there shall not be in attendance upon the court of those summoned for grand jurors enough to make the number of fifteen, the court may order the panel to be made up of those summoned for petit jurors, or from eligible talesmen summoned from the body of the County or District as the case may be, and not from the bystanders.

There was an act passed March 3d, 1852, entitled An act in relation