

OUR JURY SYSTEM.

EDITORIAL: The corruption of courts and juries in Washoe prior to the formation of a State government has passed into a proverb, and it has become customary for those not conversant with the facts, to speak of this corruption as something that permeated through the whole body politic, tainting the fountains of public justice and destroying all integrity, both public and private among the people. It has been assumed that the verdict of juries were necessarily marketable commodities, and were knocked down, as a matter of course, to the highest and most skillful bidder. Never was there a more unjust aspersion cast upon the fair fame of a people who found themselves suddenly thrown into the centre of a thousand perplexities, in advance of any government whatever, and exposed to the temptations of excessive wealth suddenly acquired, before society had been time to assume any definite shape, or public opinion had begun to exist. With the organization of the Territorial government the most strenuous exertions were made to purify the channels of public justice. Laws were passed, drawing the jurors from the best and most substantial citizens of the county, and every device resorted to that offered a reasonable presumption of improvement. An extensive acquaintance with the history of the leading cases tried, justifies me in the assertion that there were never more than one or two purchased verdicts rendered, but when the subject matter of litigation consisted of mining claims, whose market value ranged from one to six millions out of which claims the companies in litigation were daily taking thousands of dollars, it was found to be impossible to select a jury upon which there would not be one or more who could not be basely influenced to hang the jury and thus prevent the settlement of controversies with reference to titles. Taking advantage of this condition of things, shrewd but unscrupulous operators bought up old abandoned titles, organized companies with large capitals, sunk deep shafts, a short distance from the richest mines and from the bottom of these shafts drifted in upon the mines at a lower level than that at which the true owners were at work, and boldly robbed them of millions of dollars worth of ore of almost perfect impunity. It was brought to recover the possession, they would, as above stated, buy one or more jurors to hang the jury and by this means be enabled to continue their wholesale speculation. So far as related to jury trials this was the history of litigation with scarcely a variation from 1860 to 1884. Though long delayed in consequence of the richness of the mines, the inevitable result was finally reached in the distrust of capital and the destruction of private credit, until in the summer of 1891 while the mines were still yielding their customary aggregate of bullion, the parties operating them, after having spent some thirty millions directly and indirectly in litigation without settling the title to a single claim, withdrew their capital by selling out their stock at almost any price and a revulsion in business set in that bankrupted hundreds and drove thousands of laboring men from the country. Sadly did the community realize the absolute verity of the old law maxim, "That it is the policy of the law that there should be a speedy end to litigation." It is a matter of common history, that with the decadence of the Saxon custom of obtaining the jury from those who were cognizant of the facts, and the inauguration of the present system of obtaining it from those ignorant of them, that it was found from causes too numerous to mention almost impossible to obtain a verdict at all in stubbornly contested cases; and hence grew the cruel English practice of coercing a verdict out of unwilling jurors by depriving them of fire and food until they should agree; thus treating the juror as a criminal, instead of a judge, and by compelling him to surrender his honest convictions, leaving him no option between starvation on the one hand and perjury on the other. We now speak of the English custom above referred to and which was prevalent in England less than a century ago, as a relic of barbarism, and yet it was no more than the logical result of adhering to the rule of requiring an unanimous verdict when the reason of the rule had ceased to exist. There was a necessity that there should be a speedy end to litigation, in order that the settlement of rights of persons and property should prevent the endangering of the public peace; and since an honest and unanimous verdict could not be obtained, English judges bent their energies to the obtaining of the verdict by coercing the conscience of the juror. The enlightened sense of justice of the present age revolts at the idea of placing the juror in such a cruel dilemma, and hence the present humane practice of allowing jurors the ordinary comforts of life pending their deliberations, and discharging them in case of disagreement, after allowing them a reasonable time to agree; but by adhering to the rule of requiring an unanimous verdict, when the reason for it is gone, we involve ourselves in the same difficulty that formerly beset the English courts, except that there, the burden fell upon the juror, while here, by failing to arrive at verdicts in contested cases, the burden falls upon the parties litigant and the tax-paying portion of the community. In England they have found a way out of their difficulties, in consequence of the fact that in civil cases trial by jury has almost become obsolete, while here we can only rid ourselves of them by allowing the verdict of two-thirds or three-fourths of the jury to stand as the verdict of the whole, thus rendering the system more republican in its character by taking from one juror the absolute veto power which he now holds over the other eleven, and thus giving an impetus to the development of our resources by affording the assurance that disputes will be speedily settled, instead of, as at present, having the subject matter of litigation eaten up by the expenses of repeated trials, growing out of the failure of juries to unanimously agree. The proposition here suggested is not an untried experiment, but has been tested in a neighboring State with the most satisfactory results, and I will now give a history of its practical workings, believing that the facts will speak louder in favor of the proposed change than any general line of argument that could possibly be adopted. Helena, Dec. 10, 1868. W. H. C.

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Foundation of all reforms in our law, and it will be useless to crowd the statute book with laws, comprehensive in their scope and perfect in their detail, unless this essential change is first made, doing away with the senseless idea of requiring twelve men to agree upon a disputed and doubtful point, a proposition which, if submitted as a practical plan in an other matter, either of business or politics, would be received by every intelligent man with peals of derisive laughter. W. H. C. Helena, Nov. 11, 1868.

REPORTED FOR THE POST.

CONGRESSIONAL.

Oregon Hurls a Boomerang and Gets Hurt.

The House Passes the Bill Transferring the Indian Bureau to the War Department. 16 to 33. Plain Talk on Both Sides.

Washington, Dec. 9.—The bill to increase the duty on imported copper passed, 107 to 71.

The Speaker presented the report of the Secretary of the Treasury; also a statement of judgments rendered in the court of claims; also a communication enclosing a resolution of the Oregon Legislature. The Clerk read the endorsement on the paper as follows: "Resolution of the Legislative Assembly of Oregon instructing their Senators in Congress to resign, they having voted for measures plainly unconstitutional, which have overthrown liberty and free government, and assigned the citizens of eleven States to an odious and despotic dictatorship."

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limiting a constitutional amendment forbidding States making any distinction between citizens in civil or political rights on account of color; also a bill to regulate the elective franchise in the United States. Referred to Judiciary Committee.

Mr. Conness introduced a bill giving "full day" pay for eight hours labor. Ordered printed.

Senate adjourned till Monday.

House Proceedings.

Washington, Dec. 11.—Garfield, from the military committee reported a bill establishing a national system of military education, authorizing a military instructor for each college in detail, each state, and one additional for every million inhabitants of such state, to be designated by the legislature, and for commissioning cadets, etc. Tabled, 73 to 40.

Washington, Dec. 11.—Garfield, from the committee on education, reported a bill for the relief of the National Academy of Music, etc. Referred to the committee on education.

Brooklyn introduced a bill to regulate the value of greenbacks. The bill directs the Secretary of the Treasury to exchange gold for greenbacks when presented at the Treasury to any amount, at the following rates: For the first month, \$100 in gold for \$135 in notes; second month for \$134 notes and so on at the decrease of one dollar monthly till par is reached. Referred to the committee on currency and coinage.

Coburn introduced a bill to amend the whisky tax. Same reference.

Ingersoll introduced a bill supplementary to the national bank act. It proposes to remove the limitation on the aggregate bank circulation. Adjourned till Monday.

Indian Affairs.

SENATE.—The President presented a communication from the Secretary of the Interior, setting forth the destitute condition of the Indians on the Upper Missouri and their urgent need; also a communication from the Commissioner of the general land office, transmitting accounts of receipts and expenses of that office.

Ramsay introduced a bill to abolish the franking privilege. Ordered printed.

Drake introduced a resolution, calling for information on the alleged outrages by Lopez, President of Paraguay.

Drake called up the resolution offered last July, to amend the rules of the Senate so as to require Indian treaties to be considered in order of their priority.

Several other bills and resolutions were introduced and the Senate adjourned.

A Rampant Representative.

Washington, Dec. 10.—House.—Robinson, of New York, obtained the floor and spoke on the subject of American citizens imprisonment in Great Britain. If he had his will no man should eat his dinner, that woman marry a husband and no business of life be carried on until war was declared against Great Britain. Fernando Wood concurred in the views of his colleague. Adjourned.

Secretary McCulloch's Report.

Chicago, Dec. 8.—Secretary McCulloch's report, published this forenoon, favors specie redemption through retirement, by funding, in certain portions, of the gold contracts, and by the legalization of gold contracts. He recommends that after January 1st, 1871, they shall cease to be a legal tender for any purpose whatever, except for Government debts. All contracts, then outstanding shall be converted into bonds bearing such a rate of interest as Congress shall deem expedient. In the words of Daniel Webster, "gold and silver only can be a constitutional tender in payment of debts." The Supreme Court may take the same view of the question. He favors an increase of the whisky tax, the restoration of the tax on manufactures and an increased uniform tax on sales. The Secretary reiterates his statements and recommendations in his last report relative to the public debt, in regard to the funded debt and further issue of bonds. The report concludes by denying that the Secretary has had any agency or complicity in any of the operations to affect the gold or stock market, or to reduce the value of the currency, or to transact all the business of the Government over its own counters, rendering it necessary to have recourse to New York brokers. The receipts for the present fiscal year have been nearly forty-four millions in excess of the ordinary expenses of the Government, but for the extraordinary expense, including forty-four millions for soldiers' bounties, seven millions for the Alaska purchase, and twenty-five millions for the Pacific re-arrangement receipts for the next fiscal year are estimated at \$241,372,868; expenditures at \$56,152,470. For the fiscal year of 1870, the receipts are estimated at \$24,000,000; expense, 302,000,000. These estimates are based on existing taxes. The War Department, in the event of an Indian war, may add many millions to the above estimated expenses. The Secretary strongly urges amending something to the existing taxation, so as to have each year a surplus of fifty millions for reducing the debt. He recommends Congress to authorize the issue of five hundred millions of bonds, redeemable after ten years and payable in thirty years after date, to be sold whenever the Government may see fit to improve the proceeds to be used in paying the first installment on the 5-20s; the same plan to be adopted on the remaining 5-20s as fast as they mature.

Another Vessel Lost.—Particulars of the Loss of the Hibernia.

Liverpool, Dec. 7.—The ship John Duncan, from St. Johns to Liverpool, captured in the middle of the Atlantic and was lost. The Captain and wife and nine of the crew were drowned.

The following additional particulars of the loss of the steamship Hibernia are obtained. The principal cause of the disaster was the breaking of the screw-shaft inside. The screw pipe got loose and damaged the stern post and pipe, which caused a fearful leak, through which a large volume of water rushed into the hold. Every attempt was made to save the ship, but a strong gale prevailing at the time, and a heavy sea, it was found impossible to stop the leak. The steamer was rapidly settling when the boats were lowered, and the passengers all escaped. The crew, who kept the crew under complete control, thus preventing any panic among the passengers. The two boats previously reported saved were picked up by the ship Star of Hope, bound for Aberdeen. The Captain of the Hibernia landed at John O'Groats house.

Bad Business. U. P. R. Blocked with Snow. It is believed to be an impracticable Winter Route.

San Francisco, Dec. 10.—The Union Pacific railroad is reported blocked with snow since the fourth inst., no trains having arrived at Bryan, where the stages receive the overland mail, since that date, and none have arrived at Cheyenne from the west.

The President of the Central Pacific railroad telegraphs the following from Salt Lake, to-day: "I think it inevitable, we must pass through this valley and the succession of fine valleys south, and make connection with the Rocky Hill route, as the only practicable winter line. The short distance we pass through the deep snow we can easily protect by covering, but the distance and great elevation of the Union Pacific road is too long to make covering practicable."

An Earthquake in California to-day.

Havana, December 10.—Professor Delisser, of Kingston, Jamaica, who has for a long time, in advance, announced the days on which earthquakes would visit St. Thomas, Chili and Peru, announces there will be an earthquake in California about the seventh of December.

The Loss of the Hibernia.

Liverpool, Dec. 7.—10 p. m.—Additional particulars are received of the loss of the Hibernia steamship, which sailed from New York, Nov. 14, for Glasgow, and sank Nov. 25th, 600 miles westward of the Irish coast. The passengers and crew all took to the boats five in number. Two of these boats have been picked up and one is known to have been capsized and all on board lost. The fate of the people remaining on the two boats is unknown. It is now certain that fifty-two persons, including the Captain of the Hibernia, were saved. The first mate was drowned. Intelligence of the missing boats is looked for with great anxiety.

General News.

Plymouth, Mass. Dec. 8.—The testimony in the Andrews murder case was concluded last night. Dr. Choate, principal of the Taunton Lunatic Asylum, in testifying, gives his opinion that Deacon Andrews was sane. The case was argued to-day and will probably reach the jury to-morrow.

Cincinnati, Dec. 8.—The excitement relative to the terrible disaster to the steamers United States and America is still intense. Parties are arriving from all quarters making inquiries for lost friends and relatives known to have taken passage on these boats. A portion of the remains will arrive here by steamer Gen. Lytle for recognition and interment. A dispatch from Florence, Ind., says in this city three bodies have been recovered from the wreck of the same ship at Warsaw, Ky., beggars description; relatives are hunting each other, and the wounded are screaming with pain. People who at home are blessed with wealth are bemoaning their sad plight. Clothing is being continually furnished the survivors.

England.

London, Dec. 10.—The following Cabinet appointments are officially announced: Right Hon. Geo. J. Goschen, President of the Poor Law Board; Right Hon. Marquis Hartington, Post master General; Austin H. Layard, President of the Board of Trade; Right Hon. H. B. Stewart, Secretary of the Admiralty; Secretary of State of the home department. The daily Telegraph says Gladstone's Cabinet is now ready to consider any counter proposals made by the United States in the Alabama case. The Telegraph adds the sympathy of Lord Clarendon, to carry out negotiations, is undoubted.

The concessions made by Lord Stanley are an earnest of the spirit animating English politicians, in dealing with this matter. All that can be reasonably granted will be to America. He can expect no less and desires no more.

Disraeli had an interview with the Queen yesterday, at which he resigned the seat of office.

Among the appointments which have been settled is that of John Duke Coleridge, as Solicitor General.

The Times to-day congratulates Gladstone on the speedy formation of his Cabinet.

Action in the Georgia Case.

Washington, Dec. 10.—The Georgia reconstruction bill was introduced in the Senate to-day. Sumner declared the present State government of Georgia provisional only, having failed to comply with the requirements of the acts under which the State was admitted to representation. It provides for the re-assembly of the General Assembly, and empowers the Provisional Governor to re-appoint the State municipal officers, and directs the President to furnish a sufficient military force to preserve the peace and protect property.

Illinois. Dec. 10.—The newly elected Directors of the Central Railroad to-day unanimously elected Cornelius Vanderbilt President, and Gen. Torrence Vice President.

Boston, Dec. 10.—The jury in the case of Deacon Andrews, after being out for four hours, returned a verdict of manslaughter. Andrews was then sentenced to the penitentiary for twenty years.

Franchise and Financial Matters.

Chicago, Dec. 11.—The Republican's special says: In the Senate, Williams will introduce a bill next week regulating the naturalization of aliens. It differs in important particulars from any before Congress and does not permit the Chinese or other Asiatic races to become citizens. This feature is understood to represent the general sentiment of the members from the Pacific coast.

The argument in the Supreme Court on the constitutionality of the legal tender act closed to-day. An uneasy feeling prevails that the decision will be against the government.

A bill will be introduced on Monday, to increase the number of Supreme Judges to six; and to provide for two annual sessions of the court.

The Illinois State Temperance Convention concluded a two days' session at Bloomington yesterday.

Rebel Outrages in Tennessee.

Nashville, Dec. 11.—The situation in Giles county is deplorable. Within a few days no less than twenty colored men have been taken from their homes and whipped, one being hung. Gen. Garrison was surrounded by Ku Klux at his home near Gaston's Station, and although they fear to attack him they will not let him come to Nashville. Dr. Boynton, the Governor's Private Secretary, has telegraphed Gov. Brownlow, requesting him to send Gen. Cooper immediately to organize a regiment of militia.

The Associated Press Rupture.

New York, Dec. 11.—The Lafarge property, known as the Southern Hotel, Broadway, was sold at auction to-day for \$371,000.

The Tribune says the actual reason why the Telegraph Company gave the Associated Press notice it would terminate its contract on the 22d inst., was because of severe restrictions against the personal integrity of the managers of the Western Union Company. They did not deem it their duty to be bound by a contract while one of the Association felt at liberty to impugn the personal character of its officers.

Miscellaneous.

Washington, Dec. 11.—The statement of the public debt, Dec. 1, shows the total debt \$2,645,711,164.81. Cash in Treasury, \$106,679,320.67, of which \$88,425,374.55 is coin.

Chicago, Dec. 12.—The Republican's special says it is reported Caleb Cushing has gone to New York to purchase California from the provisional government of Spain. Facts leaked out show he has been sent with full powers to negotiate on this subject.

London, Dec. 11.—evening.—The new parliament was opened this afternoon by a royal commission. The usual speech from the throne was delivered. The House of Commons re-elected Rt. Hon. John Evelyn Denison speaker.

Washington, Dec. 12.—Helen Western, the actress, died to-day, after a short illness. She will be taken to Boston for interment.

Great Railroad Lease and Combination.

New York, Dec. 12.—The Erie Railroad has leased the Atlantic & Great Western Railroad for 12 years. The Erie pays 50 per cent. of the gross earnings of the leased road or a minimum of \$800,000 yearly, should 50 per cent of the earnings fall below this amount. The Erie Co. engages to keep the track, stations, and rolling stock of that road in repair, and to give the Company the option of renewing the lease at the expiration. It is stated on substantial authority that negotiations have been entered into between the Erie, Atlantic, and Great Western Railroads where by the broad gauge line will be constructed clear through to Chicago; it is also said the same gauge will probably go to the Mississippi.

The English Ministry.

London, Dec. 12.—The members of the new ministry had an audience with the Queen yesterday and formally accepted their appointment.

The following appointments in government offices are announced: Wm. E. Foster, Vice President of the Board of Education; James Stanfield, Jr., Actor Ayreton and Geo. Greenfell Glyn, Jr., Lords of Treasury; M. E. Grant

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England.

London, Dec. 10.—The following Cabinet appointments are officially announced: Right Hon. Geo. J. Goschen, President of the Poor Law Board; Right Hon. Marquis Hartington, Post master General; Austin H. Layard, President of the Board of Trade; Right Hon. H. B. Stewart, Secretary of the Admiralty; Secretary of State of the home department. The daily Telegraph says Gladstone's Cabinet is now ready to consider any counter proposals made by the United States in the Alabama case. The Telegraph adds the sympathy of Lord Clarendon, to carry out negotiations, is undoubted.

The concessions made by Lord Stanley are an earnest of the spirit animating English politicians, in dealing with this matter. All that can be reasonably granted will be to America. He can expect no less and desires no more.

Disraeli had an interview with the Queen yesterday, at which he resigned the seat of office.

Among the appointments which have been settled is that of John Duke Coleridge, as Solicitor General.

The Times to-day congratulates Gladstone on the speedy formation of his Cabinet.

Action in the Georgia Case.

Washington, Dec. 10.—The Georgia reconstruction bill was introduced in the Senate to-day. Sumner declared the present State government of Georgia provisional only, having failed to comply with the requirements of the acts under which the State was admitted to representation. It provides for the re-assembly of the General Assembly, and empowers the Provisional Governor to re-appoint the State municipal officers, and directs the President to furnish a sufficient military force to preserve the peace and protect property.

Illinois. Dec. 10.—The newly elected Directors of the Central Railroad to-day unanimously elected Cornelius Vanderbilt President, and Gen. Torrence Vice President.

Boston, Dec. 10.—The jury in the case of Deacon Andrews, after being out for four hours, returned a verdict of manslaughter. Andrews was then sentenced to the penitentiary for twenty years.

Franchise and Financial Matters.

Chicago, Dec. 11.—The Republican's special says: In the Senate, Williams will introduce a bill next week regulating the naturalization of aliens. It differs in important particulars from any before Congress and does not permit the Chinese or other Asiatic races to become citizens. This feature is understood to represent the general sentiment of the members from the Pacific coast.

The argument in the Supreme Court on the constitutionality of the legal tender act closed to-day. An uneasy feeling prevails that the decision will be against the government.

A bill will be introduced on Monday, to increase the number of Supreme Judges to six; and to provide for two annual sessions of the court.

The Illinois State Temperance Convention concluded a two days' session at Bloomington yesterday.