LOCAL NEWS.

FROM SATURDAY'S DAILY, NOV. 28

Thieves Arrested.—Edward Snelgrove, whose boot store was broken into the other night, received a dispatch from the constable at Pleasant Valley last evening stating that the officer had in custody four men, who had been attempting to sell calf and alligator boots, supposed to have been stolen from Snelgrove's. Officers Sharp and Smith went south for the prisoners this morning.

A New Design.—Jos. L. Chalmers, the superintendent of the silk factory, which is being operated at the mouth of City Creek Cañon, called upon us this morning and exhibited some of his latest productions in the line of silk handkerchiefs, among which are some bearing a new design, which is quite attractive in appearance. In each corner of the square is a spread eagle, surmounted by a beehive and the word "Deseret," while the figures of bees with spread wings are scattered plentifully over the rest of the handkerchief.

Effrontery.—The Ogden *Herald* says:

"Deputy Marshal Vandercook had the unblushing audacity to appear in public on the streets of Ogden yesterday. It was noticed that respectable people kept aloof from his presence and company as much as possible. They appear to look upon him as an unclean thing. Many of his old alleged delinquencies in Ogden are now brought to notice, and the fellow who passed for a gentleman in obscurity appears a horrible monster in the minds of men since the light of investigation has fallen heavily upon him."

The "Johnson Grass."—A late issue of the *Prairie Farmer* contained a description of a new forage plant—that is, new to this part of the world, although common in Alabama and some other States—called the "Johnson grass," which is said to yield three heavy crops each year and serve well for a pasture as well. In this latter respect at least it is said to be far superior to lucern. We have been informed that some of the agriculturists of Utah have tried it; if so, we shall be pleased to have them report through the NEWS the result of their experience with it, for the benefit of the public generally. It is said that it thrives well upon mineral land which ordinarily produces nothing but salt grass. If this be true, it is important for the grangers of this country to know it, as we have considable of that class of land in Utah.

Fatal Accident.—Last Wednesday evening, as we learn from the Ogden *Herald*, while Axtell E. Berlin, Joseph Felt and Joseph Bochman, residents of Huntsville, were proceeding up Ogden Cañon with a team, the wagon was capsized and rolled off the dugway until it lodged against the flume of the waterworks below.

Bochman was thrown into the river, and received a few bruises, while Berlin and Felt were caught beneath the wagon box, which was upside down. On recovering his senses, Bochman heard Felt say, "The wagon wheel is on my neck."

An alarm was raised and some of the other teams returned and, as soon as the place of the accident was discovered, it being very dark, they rendered assistance. Berlin was extricated with all possible dispatch but life was found to be extinct. There was one large bruise on his back and a number of severe contusions about his head and face, one in particular on his temple which probable caused his death. Felt was fortunate, only receiving a few slight bruises."

Berlin was a highly respected young man, who followed the profession of dentist. He leaves a wife.

Suicide.—Yesterday's Ogden *Herald* contains the following account of a sad occurrence:

"On the evening of the 25th inst., Miss Hester M. Summers, a sixteen-year old daughter of highly respectable parents, came from school to her home in North Ogden, and appeared to be in unusually high spirits. She ate supper with the rest of the family at five o'clock, and, about an hour later, she went from the kitchen into an adjoining room, and, without hesitation, took some strychnine from a bottle on a cupboard and swallowed it. About half an hour after she took the poison, one of her elder sisters went into the room and found the poisoned girl making an unusual noise. The elder sister reprimanded her and thought she was only making the noise mischievously. Hester's father came in later and she then stated that she had taken the poison and expressed sorrow for the act but she betrayed no motive for desiring to destroy herself. The poison was taken about six o'clock and by twenty minutes before eight o'clock Hester was dead. The funeral took place to-day."

Home from Old England.—We were pleased at having the privilege this morning of greeting our young friend, Asahel H. Woodruff, who has just returned from a mission to England, and is looking quite natural, only more manly so far as physical development is concerned, and with a goodly degree of that polish of manners which is acquired by travel and mingling with people of various nationalities.

He started upon his mission on the 13th of April, 1884, and on his arrival in England was appointed to labor in the Manchester Conference. He soon developed considerable energy and zeal, characteristics for which his father has always been so eminently distinguished, and became very efficient as a missionary. Last Christmas he was transferred to the London Conference, where he labored first in the Portsmouth and Southampton District, then in the Whitechapel Branch of London proper and finally in Essex. In the last mentioned field he labored alone, as indeed, he had done considerably before, and entirely among strangers. Being impressed with the necessity of getting out of the old ruts which the Elders had traveled in so much, and with a desire to warn as many strangers as possible of the restoration of the Gospel, he hired lodgings in Grays, and in that town and the surrounding region held a great many out-door meetings, most of which were largely attended. How much good he accomplished he does not presume to estimate, but he has considerable satisfaction in knowing that many thousands heard his testimony and had an invitation extended to them to investigate the truth. He occasionally found a person who was willing to invite him to his house and converse with him upon his religion, but he found no such interest manifested in the Gospel as was the case when his father was a missionary to England.

His health was not always good, but he did not allow that fact to prevent him from doing his duty. On being released to return home he crossed the ocean with the company of immigrants who lately arrived here, but remained behind them in New York to spend a couple of weeks in visiting and viewing the sights of that city and other places, among which were Boston, Philadelphia, Washington and Baltimore.

He is glad to be home again, and thankful for the experience he has gained while abroad.

LECHERY UPHELD BY CHIEF JUSTICE ZANE.

HE SAYS THE CITY ORDINANCE IS VALID, BUT DESTROYS ITS FORCE

BY DECLARING THAT ACTS TO BE PUNISHABLE MUST BE COMMITTED BEFORE THE PUBLIC GAZE,

AND THAT THE GROSSEST LEWDNESS CAN BE CARRIED ON UNDER THE GUISE OF PRIVACY.

THE LEWD DEPUTY MARSHAL GOES SCOT FREE.

In the further hearing of the *habeas corpus* proceedings before Chief Justice Zane, in the Third District Court yesterday afternoon, Mr. Williams continued his argument for the city. He contended that the City Council had not gone beyond its powers in making an ordinance to regulate and punish lewd and lascivious conduct. It would be strange if the city had power to restrain and punish prostitutes—the female class—and had no power to touch the obscene actions of the male element. It must be held that the words of the general welfare clause, "to promote the happiness, peace, good order, etc., of the inhabitants," gave the city power to legislate upon the obscene, licentious and lewd actions of men; it was plain that a restriction of such conduct would promote the good order and peace of the community. Referring to sec. 39 of the charter, quoted by the judge, the speaker said he must decidedly insist that the words "obscene conduct" were synonymous with lewd or lascivious conduct, and the corporation could make its ordinance under this section of the charter—as well as under the concluding words of section 70. He denied that there was any such general statute in force at the time of the passage of the charter and the ordinance, as would render it impossible for the city to pass the ordinance in question. The great preponderance of authority was on the side that both city and State law might stand together so long as the former was not in conflict or inconsistent with the latter. He directed attention to the fact that the city was empowered to make ordinances on all topics not repugnant to the Constitution; also that a city derived the right to pass ordinances from powers, either express or implied. Implied powers were such as might be reasonably thought to be necessary to the city, even when they had no specific grant. Thus a jail or a town hall might be built without express power, because both were necessary to the city corporation. He combatted the position that the city could not take cognizance of a crime punishable by the general statute, and insisted that the ordinance was valid and one that ought to be upheld.

The Court then adjourned until 10 o'clock this morning, when Mr. Williams concluded his argument, insisting that the offense charged against the petitioner was not included in the "lewd and lascivious cohabitation" made punishable by the Legislature, but came under the jurisdiction of the corporation, in providing for the general welfare of the public. The specifying of "prostitute" in the charter did not exclude the power to punish a man for lewdness under the "general welfare" clause. Good order, the sentiment of society, and the love of justice and virtue in the community required that the ordinance be declared valid.

Messrs. Young, Moyle and Kenner, who were also employed as counsel for the corporation, made no argument, the case being left on the points as laid before the Court by Mr. Williams.

Mr. Rawlins, in concluding for the petitioner, contended that the crime charged was punishable by Territorial statute at the time the grant to the city was made, and therefore any ordinance under the grant punishing a similar offense was void. The Legislature, in the old penal code, had fully provided for these occurrences. The matter of a single act of lewdness was not of public interest. The Legislature had omitted to provide a penalty for this act, but punished kindred offenses, and by implication excepted this particular one. Applying this rule, the city would not have power to punish an act which the Legislature had specifically omitted to declare a crime, under general powers. To follow the claim of counsel for the city, the corporation would have power to punish such acts as the Legislature had purposely omitted to provide a penalty for. Mr. Rawlins held that obscene and indecent conduct must be construed as referring only to public conduct, and not private lewdness. An ordinance to punish private lewdness would be against reason and against nature. The speaker reasserted that the city of Great Salt Lake had provided for the punishment of murder, but stated that this was before any form of government existed which could effectually protect the people, and that it was justifiable under the exigencies of the case as being preferable to an organization of vigilantes. (An examination of the city ordinances of that date will show that Mr. Rawlins' assertion is untrue.)

The question was submitted to the Court, and Judge Zane proceeded to render an oral decision. After reciting the circumstances of the application for a writ to have the petitioner released from custody in which he was held on the charge of lewd and lascivious conduct, the Court ruled that the return of the City Marshal presented two questions: 1st, The warrant showed an offense against an ordinance; 2d, Is the ordinance authorized by the charter? The main question was, Is the corporation empowered by the charter to pass the ordinance? The general rule was that cities had no power except that specially granted, and such as were necessary to the exercise of those specifically granted powers. Another rule of interpretation was that when doubt existed as to corporate authority, such doubt should be resolved against the corporation. In view of these rules the question was, Did the charter expressly confer authority to pass the ordinance in question; and if not, does it by implication? Under sec. 22 there was no warrant for the section of the ordinance in question, except as to the one to punish prostitution. The power to restrain prostitutes would authorize the power to punish prostitution. Section 70 contained the "general welfare" clause. This clause, strictly speaking, authorized the city council to pass all ordinances which the general welfare demands. It authorized the passage of any ordinance not in conflict with the Constitution and laws of the United States, the laws of the Territory, and the charter, which was nothing more or less than a Territorial law. Such ordinances would be limited and would not be unreasonable, or exercising a power not usually granted to city corporations. The corporate power was to pass ordinances for the peace, good order, happiness, etc., of the inhabitants of the city. It could not be held under this power that the city could punish well defined crimes, such as adultery or fornication. There was another objection to the exercise of this power, and that was, where the Territory had a general law on the subject, the city, under a general welfare clause, had no power to define as a crime that which was punishable by general law. While there may be ordinances punishing assault and battery, or bawdy houses, yet, where the power was not specially given, the general welfare clause did not authorize such an ordinance. Under this clause, then, the city had no power to punish adultery or lascivious conduct, when there was a Territorial law on the subject. The conduct might be an offense against the Territory and the city, yet, unless the city was specially granted power to punish it it could not do so. Another provision—Section 39—related to the question generally; the first portion was in reference to swimming and bathing in the waters adjoining the city. The object of this was evidently to prevent public lewdness. The second portion of the section prevented "any obscene or indecent exhibition, exposure or conduct." The first two terms, exhibition and exposure, implied a public action. The term conduct, however, was broader, but when considered with the general expression of the sentence, was evidently intended to prevent open lewdness. It was not necessary that this conduct should be before many persons to be public. Obscene and indecent conduct were defined in common law, and it was presumable that the Legislature referred to that definition, when authorizing its punishment. The word indecent was substantially the same as lewd. It did not refer to single acts, but to a repetition of acts, openly and publicly scandalous. It did not have reference to private acts. Adultery was not at common law a crime, but had been recognized as such for 5000 years. Something more should be shown than mere private actions. When the conduct was indulged in against the will of the other party, it was public; but when both consented and the act was secretly committed, it could not be construed to be openly lewd. The power specified by the Legislature must be construed to mean openly and publicly obscene or indecent conduct. The first part of the section was almost identical with the charter; but the latter part substituted "lewd and lascivious" for "obscene and indecent," though there was not much difference in meaning. The presumption was that the City Council referred to the offense as being committed publicly and openly. The Court would construe the ordinance to mean open lewd and lascivious conduct. The Legislature attempted to provide against the effects of an action, and open lewdness had a tendency to excite evil passions. If an act were committed before the public, it offended decency, but if in private it had no such effect. The Legislature could authorize the city to punish private lewdness—adultery or fornication—but it was not found in the charter, and was evidently intentionally omitted. There was a reason for this at the time—there was a punishment provided by territorial statute. The Court was of the opinion that section 31 of the ordinance must be construed to mean open, lewd and lascivious conduct.

The next question was, Did the warrant describe an offense? A man should not be subject to arrest and imprisonment for no offense, and this was the case in this instance. The Judge then concluded with the following base insinuation that the police were proceeding outside of the law in arresting officers of the Judge's "moral" court for their association with prostitutes: "If the city officials desire to proceed under this ordinance, they must charge a violation of it, then he can be arraigned and fined for it. But until they do that, he can't be deprived of his liberty. The defendant is discharged."

The petitioner, Deputy U. S. Marshal Vandercook, went forth, a free man. But the charge of lewd and lascivious conduct with a notorious courtezan—or adultery, as the act seems to be considered by the Court—has not been met, and must remain. Any one in the least acquainted with the doings of Federal courts and judges in Utah will know that the police officers would not attempt the dangerous work of punishing an "officer of the court" for the commission of the most filthy crimes, unless they had evidence sufficient to convict beyond the possibility of a doubt, even in a trial in the Federal courts, to which all have the right to appeal.

This decision also liberates Assistant District Attorney Lewis, ex-U. S. Commissioner Pearson and W. H. Yearian, and permits them to indulge their lustful appetites to the fullest extent, "if the two parties agree," and it is done in private.

FROM MONDAY'S DAILY, NOV 30.

Collin at Ft. Douglas.—We learn for a certainty that Deputy Collin, the would-be murderer of Joseph W. McMurrin, has been taken from the Penitentiary to Fort Douglas, and is now guarded there by the U. S. soldiery.

The Burglars.—The four men who were arrested at Pleasant Valley on suspicion of being the parties who broke into Snelgrove's boot shop, were brought to this city last night, and arraigned this morning. Some of the stolen articles were found in their possession. The four—John Walters, Frank Mitchell, Samuel Hudson and Thomas Scanlan—were held in custody, being unable to furnish $800 bail.

Deputies in Manti.—We have received the following as a special to the NEWS per Deseret Telegraph line, dated Manti, Utah, Nov. 30:

"Yesterday morning at daybreak, U. S. Deputy Marshals Clausen and Coleman appeared at the Temple boarding house, armed with a search warrant, which they read to the proprietor, when Clausen proceeded through the house, while Coleman stood guard on the outside, in search of two persons, named Wm. Asper and Wm. McLachlan, but they did not find either of them."

What reason they had to suppose these parties, against whom it is presumed charges of cohabiting with their wives are to be preferred, were in Manti, we are not informed.

Court Proceedings.—In the Third District Court, to-day, the suit of Annette Cummings et al. vs. Brigham Young et al., was on trial before the court.

In the case of J. S. Cunnington et al. vs. John S. Scott et al., the plaintiffs were granted until Dec. 12 to file statement on appeal.

In the suit of Nils H. Hallstrom vs. Jas. H. Larkins, the jury were unable to agree, and were discharged.

John Riddle, indicted for grand larceny, in stealing a horse and buggy from Thomson & Jurgenson, of this this city, was arraigned this morning, and entered a plea of not guilty to the charge.

The time to answer was extended ten days in the suits of Wm. Naylor et al vs. The Mountain Chief Mining Co., and Wm. Naylor et al. vs. Thomas Pierpont et al.

Thief Sentenced.—Last Tuesday evening a man named George Reed was arrested on a charge of larceny, he having been discovered in an attempt to sell a watch which had been stolen from C. C. Andersen's second hand store the day before. Reed gave bail, and his trial was set for this morning. He told a story of how he came in possession of the watch, having bought it from a stranger, and in working on the case the officers found testimony corroborative of his statements. This morning Reed recognized one of the prisoners brought from Pleasant Valley on the charge of burglarizing Snelgrove's shoeshop, as the individual of whom he purchased the timepiece. This prisoner, Samuel Hudson, was arraigned and tried before Judge Speirs to-day, and his guilt being conclusively proven, he was sentenced to $50 fine, in payment of which he will labor 50 days on the public works. Reed was discharged.

A New Bishop.—Monroe, in Sevier County, wes left without a Bishop on the death of the late Dennis Harris, but the vacancy has now been filled by the appointment of Brother Thomas Cooper to the position, which he is eminently qualified to fill. He has acted for some years past as counselor to the Bishop and is a thorough-going business man, quite public-spirited and possesses the confidence of the Saints of the Ward.

The ward is in a flourishing condition. The crops, both of grain and fruit, during the past season have been heavier than ever before. A great improvement has also taken place in the spiritual condition of the people there of late. The Saints are united, the ward meetings are well attended and the young people's associations and Sunday schools are larger and more prosperous than at any time in the past. Educational matters are also receiving their share of attention, the ward being supplied with an excellent graded school, which is well patronized. Improvements of a material nature are also taking place, especially in the line of public buildings. The large rock meeting house which has been used for some time past in an unfinished condition is soon to be completed, the lumber and other material for finishing it being now on hand.

Missionary Returned.—We were pleased on Friday evening to greet Elder Lamoni Call, of Bountiful, Davis County, who returned on Monday, Nov. 23, from the Southern States, where he has been engaged in preaching the Gospel. Brother Call left for his field of labor on the 10th of April, 1883. He was first assigned to Mississippi, where he remained a little over a year, while he traveled considerably, and talked to the people in public and private, explaining the principles of truth, but did no baptizing in the State. A portion of the time there he suffered from sickness, but was kindly treated by the people, many of whom were quite friendly, and would listen to his message, but evinced no particular interest therein. A large proportion of the people there did not wish to hear the Gospel, and would not listen to the teachings. They seemed satisfied with the prevailing forms of worship. The inhabitants of the districts in which Brother Call traveled, however, generally heard his testimony of the truth, and his warning of events about to transpire.

In the latter part of May, 1884, Brother Call was transferred to the State of Virginia, where he remained until released about a month since, to return home. In this conference he enjoyed good health, and was very kindly and hospitably received by the people. In the district assigned to him over twenty new members were added to the Church during his stay there. The chief opposition to the "Mormons" came from ministers and deacons of the various sects, most of whom manifested a bitter feeling. The people generally, however, did not partake of this bitterness, and there were many who, though not members of the Church, would sacrifice the friendship of others for that of the Elders. The preaching of the Gospel was generally listened to attentively, little fault being found with the doctrines, but a general spirit of indifference existed. The Saints there are filled with love toward each other and the Elders, and do all in their power to make them comfortable. Brother Call has greatly enjoyed his mission throughout, and feels amply repaid for all his labors, in the good feelings of the Saints as manifested when he was about to return home, as well as when traveling among them, and the manifold blessings of the Holy Spirit which he has received.