

From Williamsburg.—On Saturday we had a call from Elder Thomas Green, late of Williamsburg, and formerly of Birmingham, England, who arrived in this City the same morning, in charge of the new cars for the Utah Western Railroad. Brother Green was our local agent at Williamsburg and, like his predecessor in that capacity, Brother George Bunn, made it among the first considerations after his arrival to call and "square accounts" with us.

Dangerous Runaway.—This morning a lad named Brobury was driving a horse and buggy along Second South Street, when one of the shafts of the vehicle broke and dangled against the animal's side. This gave the horse a scare, causing it to make a sudden spring, overturning the buggy and throwing the lad out upon the ground. He was so stunned as to be in a semi-insensible condition, and he received a pretty bad injury in one of his legs. After doing this damage the horse started off at full speed, dragging the demoralized buggy behind it.

A Small Fire.—About nine o'clock this morning fire was discovered in the roof of Mr. William Showell's saloon, 2nd South Street. There was a pump on the premises, and, by the aid of a hose, a stream was soon brought to bear on the flames, extinguishing them in a short time.

The fire originated from a stove-pipe which projected through the roof, and had it not been promptly extinguished there would have been a magnificent prospect of a big and destructive fire among the numerous wooden structures in that vicinity, which would have blazed like tinder. The damage done was only slight.

Tooele Probate Court.—The latest from Tooele is that the legal Probate Court of that County, Judge Rowberry presiding, met today, and, there being no particular business to transact, adjourned till the 26th inst.

Also that the illegal Probate Court, L. A. Brown supposed to be presiding and Marshal Maxwell acting sheriff, failing to gain egress to the County Court House, held a two minutes' session at the Oquirrh House, and adjourned till Sep 28th.

District Court.—This morning the Third Judicial District Court assembled in the court room in the Cliff House, Chief Justice J. B. McKean presiding.

The court was opened promptly at 10 o'clock, the Judge announcing that he was particular to time, this being the day for the selection of names for the grand and petit jurors from the two hundred names previously selected for that purpose, and the writing of these names on separate slips of paper, by the clerk, would consume considerable time.

The provisions of the law, as to the manner of the formation of juries was read by the Court, and the clerk showed that, in compliance therewith, he had provided two hundred slips of paper of the same size, on which the names should be inscribed. The clerk asked the Court whether the slips should be numbered as each name was written thereon; the Court replied that the law was silent on that subject, but he thought it would be best to number them, and they were numbered accordingly. Judge Snow suggested that the residence of each juror should be put on the slip along with the name, but as the residences were on the original list the Court considered this unnecessary. The Clerk then proceeded with the work of inscribing the names on the several slips of paper, and while doing so the Court rendered a decision in the *habeas corpus* case of Louis Ordner, the keeper of a beer saloon in this city, who, some months ago, was fined fifty dollars for selling beer during the time prohibited by the city ordinance regulating such matters, namely between the hours of ten o'clock p.m. and six o'clock a.m. Ordner refused to pay, and in default was committed to prison to work out his debt at one dollar per day.

He was brought, on *habeas corpus*, before the Chief Justice, who rendered the following

DECISION:

TERRITORY OF UTAH, }
Third District Court. }

Adjourned March Term, 1874.
Ex parte Louis Ordner.

F. Telford for the Petitioner, Z. Snow for Salt Lake City.

McKean Ch. J.—On the 30th day of April 1874, the petitioner paid to the United States Collector for this Territory, the sum of \$20.00 for special tax on the business of retail dealer in malt liquors, to be carried on at Second South Street, Salt Lake City, from that date to April 30th, 1875.

On the 6th day of July, 1874, the petitioner paid to the Treasurer of said city the sum of one hundred dollars, and received from the Mayor a license to do business as a beer saloon keeper at the place designated above, for the term of three months, ending October 5, 1874.

On the 26th day of August, 1874, a justice of the peace of the City adjudged the petitioner guilty of having, on the day before, violated a city ordinance which required that "any person obtaining a license * * * shall not sell, give away, nor in any manner deal in, by himself, servant, or other person, any spirituous or fermented liquors between the hours of ten o'clock p. m., and six o'clock a. m., on any day in the week," the magistrate thereupon imposed upon the petitioner a fine of fifty dollars, and adjudged him to be imprisoned not to exceed one day for each dollar of the fine, until the same should be paid, or secured to be paid. The petitioner refused to pay or secure the fine and was imprisoned. He is now brought into this court by the writ of *Habeas Corpus*.

It is proved that the morning train of cars for the east leaves the city at 6 o'clock; that the passengers by that train leave the hotels at 5 1/2 o'clock; that the evening mail from the east arrives in the city at twenty minutes after 8 o'clock, and is distributed at 9 1/2 o'clock; that the post office closes at 11 o'clock p.m., and the theatre from 10 1/2 to 11 o'clock p.m.; and that the revenue of the city from liquor licenses is fully \$40,000 per annum, and from other sources \$70,000 per annum.

The counsel for the petitioner insists that the ordinance in question is unreasonable, and therefore null and void.

A law or act enacted by Congress or by a legislature may be adjudged by the courts to be unconstitutional, and therefore null and void; but a city ordinance may be declared by the courts to be unreasonable, and therefore null and void. The views of this Court touching its authority to pass upon the reasonableness of a city ordinance have been expressed in *Ex parte Mansfield* and *Ex parte Yeomans*.

Let us now inquire what authority has the Council of Salt Lake City touching the traffic in fermented liquors and then see if such authority has been reasonably exercised.

"The City Council is hereby empowered * * * To license, regulate or restrain the manufacturers, sellers or vendors of spirituous and fermented liquors, tavern keepers, dram, or tipping-shop keepers, grocers and keepers of ordinaries, * * * restaurants, saloons," &c. (Act incorporating Salt Lake City, Sec. 24: Laws of Utah, 115.)

The fact that the government of the United States levied a special tax on the petitioner's business does not divest the city of its authority to license, regulate or restrain the same business.

The petitioner is a vendor of beer. There is no evidence tending to show, nor can the Court presume, that a drink of that beverage is necessary to the passengers who leave the city at 6 o'clock in the morning. It is doubted whether those who indulge in that drink are in the habit of indulging at so early an hour. And it is not perceived how even those who receive the largest amount of mail matter by the evening train, can be thereby prevented from taking several mugs of beer before the closing of the postoffice; while the devotees of the histrionic art will have time to patronize Gambrinus before the play begins and between the acts. The city revenues show that the vending of liquors is very profitable. It is permitted during sixteen hours of the day. Those who thus follow this profitable business during two-thirds of the twenty-four hours, evidently find it difficult to show that the time is unreasonable. The writ of *habeas corpus* is discharged, and the petitioner remanded to the custody of the city marshal.

When the clerk had completed the writing of the names, he asked the Court if the slips of paper should be folded. The Court again

replied that the law was silent as to that, but he thought it would be best to do so, and they were folded, and were then placed in a small box, which was held up so that the spectators could see that it was empty. When in the box the clerk stirred them with his hand, and the box was then fastened up and the slips were well shaken. Deputy U. S. Marshal A. K. Smith then drew separately from the box slips containing the following names, in the order in which they are given, for

A GRAND JURY:

- 1 John Chislett,
- 2 Benjamin Neff,
- 3 John Alexander,
- 4 W L Perkins,
- 5 Ichel Watters,
- 6 Warren Hussey,
- 7 Louis B Wilson,
- 8 N S Ransohoff,
- 9 Christopher Diehl,
- 10 Jesse Elliott,
- 11 Robert B Chisholm,
- 12 Enos A Wall,
- 13 Oliver Durant,
- 14 Samuel R Bennion,
- 15 James Horrocks,
- 16 Thomas E Ricks,
- 17 Abraham Zundell,
- 18 Silas McGuire,
- 19 Francis Platt,
- 20 Fredrick Auerbach,
- 21 Charles B Trowbridge,
- 22 Hiram T Spencer,
- 23 William R Judd.

The same officer then drew, separately, from the box, in the order in which they are given, the following names for

A PETIT JURY:

- 1 Zebulon T. Stewart
- 2 Frank Chapin
- 3 Solomon Siegel
- 4 George M. Scott
- 5 William E. Smedley
- 6 Christopher Rehmke
- 7 Richard Y. Anderson
- 8 George Snyder
- 9 Charles C. Wallin
- 10 Alexander Zomzer
- 11 Howard Sebres
- 12 George Butterbaugh
- 13 George Dunford
- 14 John Cunningham
- 15 Levi Reed
- 16 John Franks
- 17 Henry C. Goodspeed
- 18 Philip Margetts.

The Court ordered that the box containing the remainder of the names be locked, the clerk to keep the box, the marshal to keep the key.

The Grand Jury will be summoned so as to be present in court at 11 o'clock on the morning of October 5th; the Petit Jury at the same hour, on the morning of October 19th.

Our Country Contemporaries.

Beaver Enterprise, Sept. 9—

Judge Boreman's efforts to solve the Mormon problem, remind us very forcibly of a caricature we have seen, wherein a six footer was doing his best to climb a greased pole, at the top of which dangled a leg of mutton; after many futile attempts to obtain the prize, he was becoming discouraged, when an urchin, who was standing by, stepped up to the athlete saying, "Get out of the way, bub, and let me have a go at it."

Yesterday Judge Boreman's Court was becalmed in a fog, while empanelling a Grand Jury, providentially the sun glimmered forth a little and enabled the Judge to take an observation which he delivered to the Grand Jury and the bar, showing latitude and longitude of the 2nd Judicial District Court for the Territory of Utah.

It appears, that after the Grand Jury was empanelled, received its charge and went to work, two of the jurors learned that they were not qualified to be jurors, inasmuch as they could not read and write the English language.

In the great anxiety of the Judge to run his court in accordance with the Poland Bill as it passed the House, viz., "Do you believe in the rightfulness of polygamy, &c.," he forgot his judicial duties in challenging the jurors as the law stands, asking them by his prosecuting Attorney, Judge Wheeler, whether they could read and write the English language. As soon as the two jurors aforesaid made known to his Honor their situation, the Judge had eight more names drawn from the box, and had the Clerk issue a venire for two more Jurors to fill up the vacancy.

Ogden Junction, Sept. 12—

Capt. Baker came in from the regions of the north by the narrow gauge, last evening, with enough game to stock half a dozen poulterers' establishments. Cache Valley is becoming the favorite hunting ground of our best sportsmen.

We learn from the *Evansston Age* that

L. P. Hadley, who was shot by August May in Parkhurst's brewery saloon, died on Thursday evening from the effects of his wound. Fears were entertained that May would be lynched, but no attempt of the kind was made. May will doubtless have to answer for murder.

Cloth.—Before us are a number of specimens of cloth, handed in by Mr. James McGhie, manufactured at the Wasatch Woollen Mills, just as excellent doeskins and tweeds as any gentleman need desire to apparel himself with, and their superiors in the line are not imported to this Territory and sold at the same price. Mr. McGhie is a manufacturer of extended experience and shows, by the excellence of the products of his factory, his thorough knowledge of the business in which he is engaged.

It will be seen by the advertisement of the Mills, in another column, that Mr. McGhie, has, for the facilitating of business and accommodation of the public, opened an office on First South Street, opposite the Townsend House.

The goods manufactured by Mr. McGhie are not only creditable to himself, but to the Territory as well.

BY TELEGRAPH.

AMERICAN

ST. LOUIS, 11.—A large and enthusiastic meeting, to ratify the people's movement and the ticket nominated by the people's State convention, was held at the Court House to-night. Speeches were made by Major Gentry, the people's nominee for governor, Senator Schurz and others. Senator Schurz declared that the people's movement and the people's ticket had his earnest sympathy, and should have his active support. As he understood it, the movement did not pretend to be the nucleus of a new national party, but was simply an uprising of honest, substantial citizens to rescue the State from the wrongs and dangers of a reckless partisan ring rule, to make every citizen of Missouri, whatever his nativity, creed, calling or party affiliation, secure in his life, property and rights, that the shameless and alarming brigandage and ruffianism which had so long been permitted to disgrace the name of the State in the eyes of the civilized world and frightened away immigration from our border, be at last rooted out with a strong hand, and also that every cent of the public money should be used for the benefit of the people and not of office holders, and that the government of the State be conducted with the simple purpose to reform existing abuses and the promotion of the public welfare instead of that of party.

NEW YORK, 12.—Jonas Sonneborne, of 126 Pearl St., an importing house that suspended nearly three weeks ago, announces that they are able to pay but thirty cents on the dollar. Nearly all the creditors are foreign bankers. Sonneborne has been arrested, and admitted to bail in \$15,000, on a charge of obtaining bills of exchange from the Bank of British North America, furnishing a security property which had been transferred.

Racco Fredrics was found killed in the streets of Flushing, Long Island, on Thursday evening, and Vincenzo Momorata has been arrested as the murderer.

Julius L. Mendelssohn, who claims to be a son of the great composer, has been convicted of forgery, and sentenced to the State prison for five years.

Julius Mendelssohn, convicted yesterday of forgery, killed himself to-day, in the Tombs by poison.

NEW ORLEANS, 12.—Eight ironclads used on the Mississippi during the war, were sold by the government to-day, to parties in Boston, Pittsburg and St. Louis, for an aggregate of \$69,075; it is thought that the navy department will disapprove the sale.

OGDEN, 12.—Maggie Conroy committed suicide by a dose of arsenic, at the Globe Hotel, yesterday, while laboring under depression of spirits.

FOREIGN.

LONDON, 12, 5.30 a.m.—A special to the *Times*, from Calcutta, says

that all apprehensions of a second year of famine are ended; there is a partial failure of the crops in some districts, but no greater than in ordinary years.

By a recent agreement between the Atlantic steamship companies at Liverpool, the uniform rate of steerage passage was fixed at five pounds for both slow and fast steamers between Liverpool and Boston. Passengers intending to land at New York were thus enabled to travel on fast boats at slow boat fare by taking tickets for Boston. The slow lines have consequently withdrawn from the agreement and competition has recommenced, and steerage passengers are now taken on the same lines at three guineas.

The great strike of cotton operatives at Bolton has begun. Seventy-four mills, employing thirteen thousand persons, have stopped; forty-eight mills, employing seven thousand, are still running. The trades unions throughout the manufacturing districts are collecting subscriptions for the idlers.

MADRID, 12.—An official dispatch announces that Gen. Pavia has gained a victory over the Carlists.

Three thousand troops will leave for Cuba the present month, and five thousand in October.

GENEVA, 11.—The International Law Association, which has been in session this week, closed its proceedings to-day with a public meeting. D. D. Field, of New York, made a speech explaining the objects of the association, which he said were to obviate the necessity of war. Henry Richard and Pere Hyacinthe also addressed the meeting. The Association held its sittings in the rooms occupied by the board of arbitration on the *Alabama* claims. Before adjournment Count Sclopis telegraphed his acceptance of the presidency of the Association.

SHANGHAI, 11.—An ambassador from Japan has arrived here. It is generally considered that a pacific solution will be effected of the difficulties in regard to Formosa. It is reported that the question will be submitted for arbitration to the President of the United States or to the King of Italy.

LONDON, 12.—A meeting of the British amateur oarsmen is called for Monday next in this city, when an effort will be made to induce one or more crews to go to Philadelphia, to take part in the international regatta of 1876.

LONDON, 13.—A rumor comes from the Gold Coast that the King of Ashantee will soon be deposed.

Half of the town of Bouny has been destroyed by fire.

PARIS, 13.—Francis Pierre Guillaume Guizot, the eminent statesman, writer, died to-day, at his residence at Valricher. He will be buried in St. Owen cemetery. The funeral will be strictly private and unceremonious, in accordance with the wishes of the deceased.

The sale, in the streets, of the *Journal L'Avenement*, has been prohibited on account of its comments on the disturbances of the 4th of Sept. The *Journal Des Debats* has received warning for the illegal criticisms of the policy of the government.

Special to the DESERET NEWS.

TERRITORIAL DISPATCHES.

[By Deseret Telegraph Line.]

Poland and the Silver Brick.

TOQUERVILLE, Sept. 9.

Editor Deseret News:

No doubt Luke Poland will be glad to accept that silver brick the Salt Lake whisky ring telegraphed east and west they were going to send him for the interest he took in Utah affairs. Luke's friends here would like to learn what progress the carpet baggers have made towards making their promise good to the needy Ex-Rep.

DIED.

At Topsfield, Mass., July 5th, ZACHEUS GOULD, aged 84 years and several months.

Deceased was the fifth Zacheus Gould of Topsfield and occupied the same piece of ground as the first. Priscilla Gould, great grandmother of Joseph Smith, the Prophet, was daughter of the second Zacheus, and was born in the same house.

The first Zacheus Gould was the first settler and the founder of Topsfield, then called New Meadows. He was fined three pounds for harboring over night and feeding the Quakers when they were driven out of Salem for heresy.