

LOCAL AND OTHER MATTERS.

FROM WEDNESDAY'S DAILY, AUG. 13

RAIN.—Another sharp thundershower last night, followed to-day by a pleasant, cloudy morning.

MISSIONARY APPOINTMENTS for Big Cottonwood Ward, Saturday and Sunday, September 6th and 7th: Elders L. D. Young, R. Miller, R. F. Neslen, G. Teasdale, H. W. Naisbitt and J. Nicholson.

SALT LAKE CITY, Aug. 13, 1873.

Editor Deseret News:

My attention having been called to a "poster" of a company calling themselves the "California Minstrels," in which I am billed to sing, in connection with the troupe, I wish to state to my friends and the public that I have no engagement with said troupe, having positively declined the same, on Monday the 11th inst., and my name being used in connection with the "California Minstrels," is entirely without my knowledge or consent.

Respectfully,

LIZZIE DAVIS.

LIKELY TO HAVE A GRAND JURY.—Attorney-General Z. Snow's motion for a mandamus, compelling the Clerk of the Third District Court to issue a venire for a grand jury was submitted to Judge Emerson, for decision, this morning. Before giving a decision in the matter the Judge stated that if there had been any good or reasonable grounds for deferring the matter till the next term of the Court, he would gladly have taken advantage of it. As the matter stood, however, he had no alternative. Time was very material, as there had been no grand jury for the present term, and an officer of the law had asked him for something that that officer considered would be for the public weal, and counsel had placed him in a position where he had no alternative but to make a decision, and where the requirement of the law was so plain he could not do otherwise than grant the order asked for.

THE SOCIAL EVIL.—The cases of the three women of the town, which were before Justice Clinton yesterday, were postponed till to-day at ten o'clock. Kate Flint charged with keeping a house of ill-fame, demanding a jury trial. The last named individual appeared at ten a. m. to-day, but the others did not. Justice Clinton stated that the non-appearance of the two had taught him a lesson—not to take the word of lawyers any more who volunteered to be responsible for the appearance of their clients. Mr. Burmester, counsel for the defense, "arose to explain," but the Justice said he did not wish to hear any further remarks on the subject, as it had taught him a lesson he intended to pro. t by.

Considerable time was occupied in finding a jury, three of those summoned, Messrs. H. McEwan, W. Hooper and J. Barker, being peremptorily challenged by Mr. Burmester. Messrs. Paine, Mumford, Keaton, Dinwoody, Thompson and Snellgrove were accepted, however, and the case was proceeded with. After taking some evidence for the prosecution a recess was taken till two o'clock.

The court room was again crowded to suffocation, as much so as yesterday.

AN APPEAL.—The case of Mrs. Hussey vs. Job Smith was argued in the District Court this morning, before Judge Emerson. It was brought up on appeal from the Probate Court and involves the ownership of a city lot, which is in dispute. It appears that Job Smith gave a mortgage on the property, in 1863, to Dr. Bernhisel. In 1871, the mortgage was foreclosed, execution being issued by the District Court, directed to the Territorial Marshal. Meanwhile the property was sold by Dr. Bernhisel and the person who purchased from him sold again to Mrs. Hussey. When the land in this city came into market Job Smith and Mrs. Hussey both filed on the lot in question. The matter in dispute was brought up in the Probate Court of the county, when Judge Elias Smith adjudicated in favor of Job Smith, who got the deed for the property. The decision of Judge Smith was made on the ground that the proceedings in the District Court with regard to the foreclosure of the mortgage were illegal, the Judge holding that the District Court had not jurisdiction in the matter.

An appeal was taken from Judge Smith's decision to the District Court by Mrs. Hussey. The case was argued this morning by Snow and Hoge for the latter, and Rosborough and Merritt for Job Smith.

At the conclusion of the arguments Judge Emerson stated he would give a written finding on the facts and the law in the case.

EDITORIAL EXCURSION PARTY.—The New York Agricultural Editorial Party arrived in this city last night, and are staying at the Townsend House. The courtesies of the Deseret Agricultural and Manufacturing Society were extended to the party, through the president of that association, Hon. Wilford Woodruff. They have been visiting various places of interest to-day, including the Tabernacle, Warm Springs and Deseret Museum. They also called upon President Young, and examined the Z. C. M. I. buildings and other prominent business places of the city.

To-morrow they purpose taking a trip over the Utah Southern and Jordan Valley R. R.'s, and in the evening a reception will be given at the City Hall, where there will be speech making, &c.

Here are the names of the gentlemen composing the party and the journals they represent.

Henry T. Williams, agricultural editor, New York Independent and Horticulturist; S. R. Wells and wife, Phenological Journal, and Science of Health; Andrew S. Fuller and wife, Associate Editor Rural New Yorker, and Agricultural Editor New York Sun; Thomas Meehan, Agricultural Editor Philadelphia Press, and Gardener's Monthly; Josiah Hoopes, President Pennsylvania Fruit Growers' Association, and correspondent of Journal of Farm; David H. Strother, "Porte Crayon," artist and correspondent Harper's Magazine and Weekly; R. F. Eaton, editor New England Farmer; B. K. Bliss, representative New York Rural Club; N. J. Colman and wife, Rural World, St. Louis; M. L. Dunlap and wife, Agricultural Editor Chicago Tribune, and President Illinois Horticultural Society; Clark W. Bryan and wife, Springfield, Mass.; Daily Union; Barton D.

Evans, Village Record, West Chester, Pa.; W. P. Thompson and wife, reporter, United States Department of Agriculture; S. A. Ellis, correspondent American Rural Home; T. S. Gold and wife, correspondent New England Homestead and Secretary Connecticut State Board of Agriculture; Rev. J. W. Tuck, correspondent Daily Bulletin and Weekly Courier, Norwich, Conn.; Prof. A. H. Mixer, Democrat, Rochester, N. Y.; Herman Tuchsels, Aldine, New York; Miss Mary L. Clancy, Times, Troy, N. Y.; Miss M. W. Warren, Gazette, Northampton, Mass.; Arthur Lumley, Harper's Weekly, New York; J. E. Leller and wife, Out West, Colorado Springs, Colorado; Miss Kirtland, Evening Post, New York; G. C. Woolson, American Agriculturist.

ANOTHER MAN SHOT.—Last night about ten o'clock Thomas Williams, or Lynch, was shot in a most cowardly manner by William Kirby, on the steps of the beer saloon in the basement of the Pacific Hotel, East Temple Street. It is next to impossible for Williams to live, as the bullet entered the back close to the right side of the spinal column, went clear through him and came out in front.

Soon after the shooting Kirby, accompanied by two others, went to the house of Marshal McAllister and gave himself up to Deputy Marshal Wm. Goforth, and subsequently the police took him into custody and put him in jail.

Mr. John T. Caine was called upon, as a notary public to take a statement of Williams, as it was not expected that the latter could long survive his injury. By courtesy of Mr. Caine we are enabled to publish the wounded man's account of the shooting, which was attested by three witnesses. Here it is:

"My name is Thomas Williams; my father's name was Lynch, but my stepfather's name was Williams. To-night I came down into the cellar at Dave Lane's; spoke to Dave and turned and went out. Lane's is the beer saloon under this house (the Pacific House). Just as I got to the top of the stairs I saw William Kirby, who drew his six-shooter; I went to jump down the steps, and he fired a shot without saying a word. I am well acquainted with him, and he was in the light; there was some one with him when he drew his pistol; but I do not know who it was; got my pistol out after I was shot, but did not shoot; tried to get up the steps, but could not, was so weak from the effects of the shot; when I turned to go up the steps after I was shot I could not see Kirby, and think he must have run; had no conversation with Kirby to-day; had a talk with him last night; I went home to the Eastern House, and went to bed; Kirby came up and went to the girls' room. I thought he called me; I met him at the door; I asked him what he wanted; he said "Hold on;" I had my pistol in my hand, because parties had been following me around; he said he had nothing against me, and gave me his pledge of honor that he never had anything against me, and he left; met him on the street to-day, but nothing occurred; did not think he was angry with me; Kirby and I have always been good friends; I never did him an injury; the reason he shot me was because I told the truth yesterday; it was all about a woman; the shot struck me in the back to the right of the back bone, and came out of my belly."

After he was shot, Williams was taken to an upper room in the Pacific Hotel. He was visited at ten o'clock to-day by our reporter, at which time he was still alive and did not appear to be suffering much, probably because of his being under the influence of morphine. According to the statement of parties who have waited upon him he has retained his senses since he was shot. He is of rather short stature and slim build, and has sharp features and dark hair, slight moustache of rather dark color.

The cause of the shooting arose from the fact that Williams was a witness in the prosecution of a number of prostitutes and gave his evidence in two cases on Monday. Threats had been made by various disreputable characters that the principal witnesses in these cases should be killed.

The witnesses are three in number and they were advised by an individual at the City Hall yesterday to keep a sharp lookout as it was believed an attempt would be made to murder them before morning. The cowardly character of the attack on Williams is indicated by his being shot in the back.

While some prostitutes were being prosecuted before Justice Clinton yesterday, several men, of notoriously bad character, were heard to say that all they wanted was to see who the witnesses were.

Kirby has resided in this City for several years and it is well understood that he has been connected with one of the worst gangs of blacklegs and villains that ever cursed or infested any community.

These scoundrels, of whom there is a large number in this city at present, are evidently trying the intimidation game, which it is to be hoped will receive so sudden a check that they will feel that they are themselves treading on the most dangerous ground.

It is a question with regard to who are the most responsible for many of the most heinous crimes committed in the Territory of late years, those who have been the actual perpetrators or those who have aided and abetted them by hindering the execution of the local laws, and by abuses of the habeas corpus act, &c.

FROM THURSDAY'S DAILY, AUGUST 13.

"HABEAS CORPUS."—Mrs. Newton and Kate Flint were to be taken before Associate Justice Boreman at two o'clock to-day, the necessary writs having been issued, one yesterday and the other to-day.

FINE AND IMPRISONMENT.—Kate Flint, tried in Justice Clinton's court yesterday for keeping a house of ill-fame, was sentenced by the jury, to pay a fine of \$100 and to imprisonment for thirty days.

REMOVED.—The office of the Western Union Telegraph Company has been removed to the premises lately occupied by Mr. H. C. Bassett, where they opened and commenced business this morning.

HOME MISSIONARIES.—We understand the Salt Lake County Home missionaries will resume their labors on the first Saturday and Sunday in September, as the busiest time of harvest will be about over by that time.

LIKELY TO RECOVER.—The man Williams, who was shot in the back by William Kirby on Tuesday night, is alive and improving, and it is said that the chances for his recovery are good. It appears that the bullet

did not pass through his intestines, as supposed, but after entering his back glanced around a lower rib and came out in front.

LATE HOURS.—The Ogden Junction says a "long and ardently expected moonlight dance" was to come off to-night, at a grove near that city. The common saying, "Waiting for the verdict," will probably be changed now to "Waiting for the moon to rise." The silvery orb will not appear very early to-night.

MOTION WITHDRAWN.—We stated the fact yesterday that Judge Emerson said he had no alternative but to grant Territorial Attorney-General Z. Snow's motion for a mandamus requiring the clerk of the District Court to issue a venire for a grand jury. For some reason or other, however, Judge Snow withdrew his motion.

DOGGED.—On the same night that Williams was shot, another of the witnesses in the prostitution cases was followed by two men. He drew and cocked his revolver and asked if they were hunting for him, to which they answered "No." He then told them to walk on in front of him, and not turn round, which they did.

FALL TERM.—It will be seen by advertisement in our special notice column that the Fall term of the 20th Ward school will commence on Tuesday morning, Aug. 19th. Prof. Karl G. Maeser is one of the most thoroughly educated gentlemen in the Territory, and besides which he possesses many other qualities which go to constitute a good teacher of the young. He is a teacher possessing varied attainments constituting a sound education, and those persons who purpose to send their children to his school should not forget that his terms are monthly in advance.

OGDEN.—We glean the following from the Junction of yesterday:

Miss Orpha Dowdle, the elder of the two young ladies burned at Willard by kerosene explosion, July 25th, died last Saturday. She was buried by the side of her sister.

Work on the observatory is progressing rapidly.

Marshal W. N. Fife arrested a man near the depot on Tuesday evening, on suspicion of his being Nash, the murderer of Martin Gerbush, in Contra Costa County, Cal. He answered the description very minutely, but a telegram received subsequently stated that Nash had been arrested at Battle Mountain, and the man at Ogden was released.

THE WATER QUESTION.—The City Council committee, to whom was referred the petition of residents of the "North Bench," accompanied by the Mayor, intended visiting that locality to-day, for the purpose of deciding upon the most feasible and best means of affording the petitioners the relief they ask for, and which they so much require. Some members of the committee are, we understand, in favor of using the canal—which was designed to be used for conveying the temple rock from Cottonwood Canyon as an irrigating ditch. It is considered quite practicable to convey the waters of Cottonwood Creek around by this canal, by which means those wards now using the waters of Red Butte and Emigration Creeks can irrigate their lots and the "bench" could then use the waters of the two latter streams for that purpose.

Red Butte and Emigration waters could not, however, be taken to the uppermost lots on the "bench" but were the canal brought into requisition, and if a sufficient supply of water could be kept in it, it could be used in a large portion of the City now dependent on City Creek, which would in all probability leave a sufficient surplus in that stream to warrant the making of a ditch from it at a sufficient altitude to water all the land on the "bench" which has been surveyed into lots.

Other suggestions have been made with regard to the matter, one of which is, to endeavor to strike an under current of water by sinking a well on the side of a small valley north of the "bench," and providing a stream be struck in that way, to tap it by digging to it horizontally, and making a reservoir of the valley.

It is probable that the committee will report at the next regular meeting of the City Council.

FROM FRIDAY'S DAILY, AUGUST 15.

MISSIONARY APPOINTMENTS.—Bingham City, Bingham Canyon, Sunday, 17th inst., Elders Milo Andrus and Isaac Groo.

PROF. BARFOOT'S LECTURE.—The lecture, at the 20th Ward Schoolhouse, last night, was well attended, and was listened to with much attention. The chemical experiments were interesting and instructive.

ADMITTED TO BAIL.—Yesterday Wm. Gee, who had been under commitment on a charge of complicity in the killing of the Cottons, at Bingham, was admitted to bail, by Judge Elias Smith, before whom he was taken, on a writ of habeas corpus. The cases of Butcher and Taylor are not considered bailable.

VOTING.—Mr. William Howard, County Clerk of Rich County, informs us that the total number of votes cast for the people's ticket, at Randolph, at the late election, was 140. No opposition: Moses Thatcher was elected Councillor to the Legislature, and C. C. Rich and Mariner W. Merrill Representatives.

WATER.—The City, the Mayor and Council committee on improvements did not visit the "North Bench" yesterday, as intended, to examine and decide as to the best means of solving the water problem, which is being agitated by the residents in that locality. They purpose going up there to-morrow morning. It is to be hoped that some means of affording the relief asked for in the petition will be devised and provided.

BESTIAL.—The Ogden Junction of yesterday contains an account of an attempt of a beast in human shape to commit two brutal outrages, one on a woman named Mrs. Calvert, resident of Bingham's Fort, and the second on a little girl of John Cardon's, who keeps a store on the road to North Ogden. Sheriff Wm. Brown and Mr. J. Thompson went in pursuit of the fellow and it is not very probable that he will escape.

PROSTRATED.—The habeas corpus proceedings before Judge Boreman yesterday were abruptly stayed for about ten minutes by Kate Flint going off into a kind of fainting spell. After considerable difficulty she was restored to consciousness. Somebody unfeelingly remarked afterwards that the prostration was caused by the "burning eloquence" of her counsel, she not having been aware, before she

heard him speak, that she was such an embodiment of injured innocence and spotless purity.

PERSONAL.—We had a pleasant call this morning from Mr. Foster, of Kentucky, and Mr. Taylor, of Austin, Texas. The former was, at the time the rebellion broke out, a resident of Alabama, from which State he was elected to Congress, in 1865, but did not gain his seat, being disqualified on account of having taken a prominent part in the late war, on the Confederate side. He has some idea of taking up his residence on the Pacific Coast, where he will be far from scenes and circumstances that tend to suggest many sad reminiscences of the past. He is much delighted with the general appearance of this City.

ROBBERY CASE.—Two men giving the names of Edward Jones and H. W. Callahan were arrested last night for drugging a man named Marthen and robbing him of about \$35. The affair occurred in the Omaha beer saloon. Marthen became insensible as soon as he had drunk some beer with the two thieves and the latter placed him in a chair and rifled his pockets and robbed him, the act having been seen by several parties. The case was brought before Justice Clinton this morning, and the evidence being conclusive against the prisoners, they were sentenced to pay a fine of \$100 each and in default to work 100 days on the public works and also to imprisonment for three months each.

REMANDED.—At two o'clock yesterday, as announced in the News, Mrs. Newton and Kate Flint, keepers of houses of ill-fame, and who were sentenced to fine and imprisonment, in Justice Clinton's Court, were taken before Judge Boreman, on writs of habeas corpus. Judge Z. Snow argued for the City and T. Burmester for the prisoners. The latter claimed that the ordinance under which the proceedings were brought against his clients was void, because the punishment for the crime with which they were charged had been provided for by statute, that corporations had no power to legislate for the punishment of crimes of an infamous character, and that Justice Clinton had therefore no more right to proceed against his clients under the ordinance in question than he would have to do so on the authority of so much blank paper.

Judge Snow answered the propositions of Mr. Burmester in a very lengthy argument, the latter again speaking in the same strain as at first, only perhaps "a little more so."

Judge Boreman made a few remarks with regard to the citations made from authorities by Mr. Burmester, showing that precedents of proceedings in cases occurring under the laws of New York and Michigan could not be followed here unless the laws were similar, and that the cases occurring in those States were in accord with their peculiar constitutions. He held that the ordinance under which the proceedings against the prisoners were conducted was valid, the legislature having a perfect right to delegate to corporations the power to make it. He therefore remanded the prisoners to the custody of the officers.

During the proceedings before Judge Boreman the counsel for the prisoners made himself conspicuously ridiculous by indulging in a tirade of abuse against the old settlers of this region. It is really a wonder that the people here have been able to exist at all till this luminary made his advent among them two or three weeks ago. One would have supposed, from his remarks, that the people of Utah ought to be thankful that such persons as himself were now coming here to inaugurate an era of freedom and enlightenment. Great man, this counsel; but it is a pity that this is not known outside of himself. The people who made a place in these once desert valleys for such "civilizers" to come to have been abused before, and have got used to it, and like the man who was kicked by a long-eared animal, they have learned to consider the sources of such emanations, and such persons as would tend by their course to introduce a prostitutional and general criminal era are scarcely worthy even consideration of that kind.

FROM SATURDAY'S DAILY, AUGUST 16.

OUT ON BAIL.—Kate Flint was released on \$1,000 bonds last night, having appealed her case from the Justices to the Probate Court of this County.

RAID ON THE GAMBLERS.—A number of gamblers were arrested to-day, a number of whom were fined \$100 each. The penalty of imprisonment was not imposed this time, it being the first time the parties had been caught since the new regulation. It is probable, however, that they will not get off so easily should they be found plying their vocation again.

MACHINERY TESTED.—Yesterday the capabilities of the Whitman threshing machine were tested at South Cottonwood, in presence of a number of experienced farmers of the county, and it was pronounced a very excellent machine, well adapted for this region. A similar test of this machine was to be made at Hooperville, Weber Co., to-day. Z. C. M. I. are agents for this machine, a number of them being on hand at the wagon and machinery department, of which Mr. H. W. Naisbitt has the oversight.

HORSE KILLED.—A horse belonging to Eli Manning, of Farmington, was accidentally and suddenly killed yesterday afternoon. Mr. Manning's team ran away and when going along First South street, at a tremendous pace, one of the animals ran against an iron rod which projected from the end of a wagon going westward. The horse died in a few moments afterwards, the bar being forced into its body a distance of over one yard.

TOO MUCH OF IT.—It is said that a large amount of real estate in this City is heavily mortgaged. When it is possible to avoid it, it is a very unwise thing for people to mortgage their homes. There are circumstances connected with the conducting of some kinds of business that make the borrowing of money occasionally almost imperative, but ordinarily there is no financial policy ahead of that which induces people to "live within their means." To be in debt, without a good prospect of getting out of it, is a species of bondage that is very irksome and unpleasant.

DESERET UNIVERSITY.—As will be seen by advertisement the Fall term of the 6th

academical year of the Deseret University, commences on the 25th inst. The Institution will be better organized than ever before, and it is provided with a corps of professors and teachers who are a credit to the Territory, and who would rank high in their profession in any institution of learning in the land. People who desire for their children first class training and instruction in the several departments of, and branches taught in, the Institution, can in no way so well show their appreciation, and do themselves so great justice as by doing their part to crowd the university with pupils and extending to it that material pecuniary support it so well merits.

OGDEN.—The following are gleaned from the Junction, of yesterday:

The scoundrel who attempted to commit outrages the other day upon a woman and a little girl had not yet been captured, but Sheriff Brown was hunting him. He is supposed to be a fellow named J. McLean, a blacksmith, who left the county about four years ago in disgrace, and returned about six weeks since, and had lately been working for Mr. Dudley Chase. Mrs. Cardon, the woman he attempted to outrage, has had to be attended by a physician since the occurrence.

Maggie Petersen, of West Weber, ten years old, had her right arm broken, while getting out of a wagon, on Thursday. Maggie appears to be unfortunate, her left arm having been also broken twice within the past year.

Mr. Henry Clark, the night watchman who was injured at the late fire, is still unable to sit up in bed. The Junction suggests the raising of a subscription for his benefit, which is an excellent idea.

THE TEMPLE.—We understand the laying of several additional courses of rock on the walls of the Temple will be commenced in a few days. Mr. Truman O. Angell has been at work designing and having constructed a most ingenious arrangement by which the huge blocks of granite are to be raised upon the walls and adjusted in their places. Before having this apparatus made he constructed a model, by which its practicability was thoroughly demonstrated. There will be four of those scaffolds upon which the derricks will be raised, one near each corner of the interior of the building, and by this means every portion of the walls will be reached without the necessity of changing the location of the apparatus.

A large number of hands are at work on the Temple Block and a considerable quantity of rock is cut and ready for laying, probably sufficient for three more courses.

The progress now being made in the building of the Temple must certainly be very gratifying to every true Latter-day Saint.

ST. GEORGE, Utah, Aug. 19, 1873.

Editor Deseret News:

We have had a glorious shower, 5th and 6th, and now we have a sky portentous of more moisture. The verdure looks much improved and freshened, and I doubt not this "latter rain" will make the late crops all right.

After the thief who broke into and stole some flour from the Tithing office a few days ago had left, it occurred to some of our citizens that, in several respects, he answered the description of one of the Benders. James Andrus and others mounted and rode after him, but returned next day, having followed his track for forty miles.

Our fruit is fast ripening, and a considerable number of small lots are being shipped to Ploche, the fruiterer seldom realizing more for his load than proper wages for himself and team.

The new Co-operative store is up and covered in, and is really a fine, commodious structure, and a credit to the place. We see also a new tithing office up and being finished. The new fire-proof store of J. W. Nixon is completed, and he is off east to purchase his stock. Bro. Robert Lund has in course of erection a fine roomy dwelling. Bengt Johnson has a good dwelling erected on Washington avenue, while still farther out Hardy & Son are putting up "tasteful" dwellings near their turning shop, and Henry Kling has put up a neat little dwelling, into which he has removed his family.

The weather is more moderate, times rather dull (for money, not for labor). It is a general time of health, peace, and quiet.

Truly yours,

CACTI.

EASTERN NOTES.

Richmond papers implore young men not to practice target shooting in the cemeteries.

All railroads running out of Philadelphia carry the daily newspapers free for a distance of fifty miles.

The 10,000 trees recently planted in South Pueblo, by the Central Colorado Improvement Company, are said to be doing well.

Fully \$3,000,000 of European capital will be invested in manufacturing and mining in Alabama, during the next twelve or eighteen months.

Kingston, Tenn., lately presented a woman of delicate virtue with a suit of tar and feathers which fitted like tights. She wore the suit from town.

The Boston Journal says that about twenty-five thousand residents of that city are now absent, of whom about a thousand are in Europe.

In North Carolina recently a colored boy who went out in a field to hoe was afterward found there dead, with a rattlesnake coiled about him and still biting his lifeless body.