trumped up charge of deserting his wife, he having left her behind him when he came to this country, thirteen years since. The facts were that she refused to come to this country with him, and it transpired in the examination that he had written to her at intervals for ten years after his arrival here, offering to send for her and provide a home for her. He had called upon her on his return to Scotland and made the same offer to her, which she refused. It resolves itself into a question as to who is the deserting party when a man considers that his duty to himself and his family requires him to migrate to another country and settle there, and the woman refuses to go. It looks the most reasonable to consider the wife, who elected to leave the husband, is the deserting party, and not the husband who proposed to take her with him, which Elder Hogg repeatedly did do, and his wife as repeatedly refused to accompany him.

On a second hearing of the case, Elder Hogg was discharged by the magistrate.

Mail Irregularity. — The following came to us to-day—

"SNOW SHEDS, Piedmont,
Wyoming T., March 9, 1875.

"Editor Deseret News:

"I am sorry to have to complain that I do not get my paper more regularly and earlier in the week. It is seldom I receive it before Saturday or Sunday, and last week's paper I have not received yet. When I ordered from Ogden from a news agent, I then got it on Thursdays, and at latest, nearly always on Fridays, and now I have it direct from the publisher I think I should receive it as promptly as then. I am very much annoyed when I don't receive it, as that is the only reliable source of information I have out here, upon church business, or any affairs of interest in Utah. I shall feel much obliged if you will be as prompt as possible in sending it. I have to send upwards of three miles for it to Piedmont, and I am always anxious to peruse it to know how matters are progressing. Please send me last week's paper. I don't like to miss one.

"HENRY WOOD."

The NEWS Weekly is mailed to our subscribers regularly every Tuesday.

We may further observe that the other day we received a letter by mail from Cache Valley, which was *only ten days* in transit.

Appearing to Show Cause.—The time having expired for the payment, by defendant, in the case of Young *vs.* Young, of the $3,000 counsel fees, accorded by order and decree of the Third District Court, to plaintiff's attorneys, the latter yesterday applied for and obtained an order of attachment, requiring defendant's presence in court this morning, to answer and show cause why he should not be punished for contempt of court, in failing to comply with the order commanding him to pay the aforementioned $3,000.

In accordance with this writ of attachment President Young appeared in court at ten o'clock today, personally and by his attorneys.

Mr. Parley Williams read the following answer:

"In the District Court of the Third Judicial District, of Utah Territory, County of Salt Lake.

"Ann Eliza Young, by her next friend, George R. Maxwell, Plaintiff, *vs.* Brigham Young, Defendant.

"Territory of Utah, Salt Lake County. } ss.

"And now comes the said Brigham Young, and for an answer to the order to show cause before the said court why he should not be punished as for contempt, for having failed to comply with so much of the order and decree of the said court, rendered herein on the 25th day of February, 1875, as requires him to pay to Messrs. Tilford, Hagan and McBride, the attorneys of the said plaintiff, the sum of three thousand dollars, as counsel fees, and also why he should not be compelled to pay the said sum of money; and shows unto the court that he is advised by his counsel herein, and believes that he is by law entitled to an appeal from the said order and decree rendered and entered on the said 25th day of February, and that, pending the determination of such appeal, the execution of the order and decree so appealed from may, by law, be stayed.

"And this respondent, further answering, states that he is, by his said counsel, informed and believes, and as appears by the records of the court in this cause, an appeal has been taken and perfected from the said order and decree, to the supreme court of said Utah Territory, and that a good and sufficient undertaking, for the purpose of staying the execution of the said order and decree, pending the said appeal, has been filed.

"Respondent further states and shows to the court that his omission and failure to comply with the aforesaid order, or any part thereof, is owing wholly to his desire to obtain the benefit of his said appeal, and a review of the said order and decree. And, further answering, this respondent disclaims all intention or disposition to disregard or treat contemptuously the said order and decree or any process of the said court.

"Wherefore, having fully answered to the said order to show cause, this respondent prays to be hence discharged, and that further proceedings for the execution of the said order and decree, for the payment of the said fees and alimony, be stayed until the determination of the said appeal in the said supreme court.

"BRIGHAM YOUNG.

"Subscribed and sworn to before me, this 11th day of March, A. D. 1875.

"EDWD. B. MCKEAN,
"Clerk."

Before the argument on the question of the right to an appeal from the order commenced, Mr. Williams asked Judge McKean if the defendant might be allowed in the meantime to retire from the Court room. The only attention the Court paid to this request was his announcement that it was probable that the arguments would be brief. The request was renewed by Mr. Hempstead, who stated that the health of defendant was not very good, and furthermore he was ready to enter upon recognizances or to give a bond for his appearance whenever required. Again, there was no response to this request further than that the arguments would probably not be lengthy, although the Court stated, almost immediately afterwards, that he would not unduly limit the time of counsel in their arguments.

Counsel for defendant then commenced their argument, Mr. Hempstead opening.

He was followed on the other side by Messrs. Tilford and McBride, and Mr. Hempstead argued in reply.

After the matter was submitted the court was engaged in writing and when he finished, read the following order:

"Territory of Utah, Third District Court.
"Ann Eliza Young, by her next Friend, *vs.* Brigham Young.

"This court having, on the 25th day of February last, made an order in this cause, ordering and adjudging that defendant herein should pay alimony and sustenance, the former within 20 and the latter within 10 days thereafter, and the defendant having disobeyed the said order in this, that he has refused to pay the sustenance therein ordered to be paid, and the defendant having been brought before the Court by warrant of attachment and ordered to show cause, and having, in writing and by counsel, shown such cause as he and they have chosen to present to the Court; and the Court holding and adjudging that the execution of the said order of the 25th day of February last, can be stayed only by the order of this or some other court of competent jurisdiction;

"It is, therefore, because of the facts and premises, ordered and adjudged that defendant is guilty of disobedience to the process of the Court, and is therein guilty of contempt of Court.

"And since the Court has not one rule of action where conspicuous and another where obscure persons are concerned; and since it is a fundamental principle of the Republic that all men are equal before the law; and since this Court desires to impress this great fact, this great law, upon the minds of all the people of this Territory:

"Now, therefore, because of the said contempt of Court, it is further ordered and adjudged, that the said Brigham Young do pay a fine of twenty-five dollars, and that he be imprisoned for the term of one day.

"Done in open Court, this 11th day of March, 1875.

"JAS. B. MCKEAN,
Chief Justice, &c., and Judge of the Third District Court."

President Young was in custody of deputy U. S. Marshal A. K. Smith, by whom he was taken to the Territorial Penitentsary, there to be imprisoned in pursuance of the foregoing order, for one day.

We have heard a large number of people of all classes express themselves regarding the action of the Court in the premises, and all, with but one exception, characterized it as something the very opposite of magnanimous. By some few small contemptible people it may be considered a good thing to heap an indignity upon the head of a venerable and much respected gentleman, who has frequently done more for the good of his country and humanity generally in one day than most of his enemies may ever expect to do in the aggregate were they to live to the age of Methuselah.

FROM MONDAY'S DAILY, MAR. 15.

Wintry.—Quite a wintry time now. Snowing on and off most of the day every day.

Breaking Glass.—To-day Robert Cartwright was before Justice Pyper for breaking a glass door at A. M. Smith's liquor store, for which he was fined $20. Too much whiskey on board was the cause of the incident.

Home Again. — We were called upon to-day by Hon. George Q. Cannon, the respected delegate elect from Utah to the next Congress. He did not reach this City till near midnight on Saturday, owing to the Union Pacific train on which he was travelling being three hours behind time. He was met at Ogden by Mayor Wells, a number of members of the City Council and other gentlemen. He is in excellent health and spirits.

Missionary Appointments for Sunday, March 21st:

Sugar House—Elders T. Taylor and C. W. Stayner.

South Cottonwood—Elders John Van Cott and N. H. Felt.

Big Cottonwood—Elders H. W. Naisbitt and J. Nicholson.

West Jordan—Elders G. Swan and Jas. P. Freeze.

Mill Creek — Elders Isaac Groo and T Harris.

The appointments for the City Wards will be published in Friday's issue.

Funeral Services.—The funeral services of Joseph S. Scofield at the Thirteenth Ward Assembly Rooms, on Saturday afternoon, were attended by a large number of relatives and friends. Members of the Thirteenth Ward Choir were present, led by Bro. C. J. Thomas, who conducted the singing exercises. The opening prayer was offered by Bishop L. D. Young and very appropriate addresses were delivered by Presidents George A. Smith and D. H. Wells and Elder Wilford Woodruff. The exercises closed by prayer from Bishop Edward Hunter.

The Kate Flint Case Given to the Jury.—This morning, in the Third District Court, the jury in the case of Kate Flint *vs.* Jeter Clinton, was charged by Judge McKean. The defendants submitted fourteen propositions of law, in accordance with which they requested the Court to instruct the jury, and we herewith give some of the leading features of the charge.

The Court was asked to state to the jury that by the common law, Territorial statute and a valid ordinance of Salt Lake City, bawdy houses were made common nuisances, and could be abated, by process of law, and the Court so said, but more of that hereafter. He was asked to say to the jury that it was competent in the Territorial Legislature to empower and direct the municipality to abate such bawdy houses. Yes, it was competent but, this proposition involved a lecture on law.

It was requested that the jury be instructed that the ordinance of Salt Lake City, which had been introduced as evidence, and under which the warrant for the destruction of plaintiff's property was issued, was valid. No, the Court could not so instruct. Most of that ordinance was good, but there were parts of it that were invalid, and defendants having asked the Court to pass upon the ordinance as a whole, the Court could not say it was good, and counsel had not asked that the jury be instructed regarding any particular points or portions of it.

Regarding the request to instruct the jury to the effect that in 1872 a justice of the peace had a right to hear complaints against keepers of houses of ill-fame, and, when parties charged were adjudged guilty, to punish such parties, and to abate such houses and destroy all articles kept therein for purposes of prostitution, yes, in 1872 a justice of the peace had a right to proceed against and punish such parties and, under the limits of the law, to abate such establishments, but being an officer of inferior and limited jurisdiction, he could not order all kinds of property destroyed. The Court here illustrated by a comparison of a merchant who might create a nuisance by obstructing the sidewalk or street with his goods. A justice might order such nuisance abated, not by the destruction of the goods, but by ordering their removal, &c. There were instances, however, where property might be destroyed under the limits of the law, as in the case of the implements, &c., of counterfeiters. There was always a proper way to do a proper thing, and there might be a wrong way to do a proper thing.

No Court could issue a warrant for the destruction of property without so describing the articles to be destroyed as to direct the officer in his work.

The Court here read the warrant of abatement issued by Justice Clinton, ordering the officer to whom it was directed to go to the house of ill-fame kept by Kate Flint and destroy all things found therein that were kept for purposes of prostitution. The Court enlarged upon the breadth and scope of the language of the warrant, and facetiously remarked that the girls, being kept, it was presumed, for purposes of prostitution, they came within the limits of the writ, according as it was worded. Of course the girls were not demolished, as the officer did not think they were meant to be included among the objective points of the work of demolition. A justice had no authority of law to order the destruction of property of unlimited value. The Justice had jurisdiction in the abating of nuisances, but no authority to go as far as he did go in this instance.

At this point the judge passed on to another proposition, when he appeared to suddenly become aware that he had forgotten something which he could not well afford to pass, so, leaving the matter on which he had begun, he said he did not wish to make an unpleasant comparison for the sake merely of saying an unpleasant thing. If a justice had authority to order a house to be entered because it had been adjudged that illicit sexual intercourse was carried on in it, and destroy the furniture, e c., in one case, he had in all other cases, but that was not the proper way to treat such things. If Kate Flint kept a house and it was proved that fifty men frequented it for purposes of illicit intercourse, and process could be issued and her furniture and household goods be broken up therefor, the same could be done with say John Smith, who might have in his house twelve women with whom he had illicit sexual intercourse. It would not matter whether or not he claimed that those women were his wives, the law allowed a man but one wife, and, had a justice of the peace the right to act as in the case of Kate Flint it would not alter the situation if Kate Flint claimed that the fifty or more men visiting her house were her husbands. Such a claim would not take it outside of the law, and neither would it in the case of a polygamist. Whatever might be thought of polygamy, the sending of officers into the houses of those practising it to demolish furniture and effects, was not the proper way to deal with it. In dealing with that or any other question the limits of the law must be respected.

The charge was somewhat lengthy, the latter portion of it being in keeping with the first, and to the effect that Justice Clinton and other defendants went beyond the law in destroying the property of plaintiff, and that if the jury found that the destruction was maliciously done, they should find for plaintiff for three times the value of the property destroyed, and in the absence of malice for the amount alone.

The last and fourteenth proposition of defendants' counsel was that the Court should instruct the jury, that before the plaintiff could obtain the damages claimed an indictment must be found and conviction secured against the defendants in the suit, for the alleged criminal act. The Court refused to so instruct.

Plaintiff's counsel submitted three propositions, the first of which was to the effect that, in 1872, a justice of the peace, in ordering the abatement of a nuisance, could not direct the destruction of property to the value of more than $100; and that if the defendants went beyond that they were liable to the parties injured; the second was that the warrant ordering the destruction was illegal, being issued without authority of law. The Court instructed the jury accordingly. The third was to the effect that as officers are presumed to know the law and be governed by it in the discharge of their duties, it was presumable they did in this instance, &c. Regarding this, the Court said that it was for the jury to say whether the malicious part of the complaint had been explained away.

Judge Sutherland asked that a number of exceptions be noted to the instructions of the Court to the jury.

Claudius V. Spencer, a juror, asked if the jury were to understand as the Court had explained the law, that Jeter Clinton, Justice of the Peace, had no authority, to order the destruction of any portion of plaintiff's property; to which the Court answered, in substance, that it was not for him to say which or whether any of the property destroyed was kept for purposes of prostitution. The Justice had not described any particular property, having left it to the officers. It was not for the Court to say what could and what could not have been destroyed. The Court did not wish to trench upon the duties of jurors, the duty of the former being to deal with propositions of law, and the latter with facts.

Stephen F. Nuckolls, another juror, asked if the jury could have a written copy of the instructions, which was answered in the negative.

Jesse West, another, wanted to know if the jury could have the statute with them in their room. The Court read the statute relating to the "Malicious Destruction of Property." Another juror said that was not the statute referred to; it was the statute giving the municipality the authority to abate nuisances.

Judge Sutherland wished to know if the jury could have the ordinance with them. Judge McBride objected, and the Court sustained the latter, saying that he had already said that some portions of the ordinance were invalied.

The jury were allowed to take some papers pertaining to the case, and retired, in charge of an officer.

Correspondence.

Theatricals—Music.

WEST JORDAN, March 13th, 1875.

Editor Deseret News:

We had a very enjoyable time here last evening, consisting of a dramatic entertainment, also vocal and instrumental music. The house was filled, every inch of available space being occupied. The piece presented—"The Porter's Knot," was received with roars of applause; the principal characters, by Levi Naylor and Mrs. Margaret Smith, were presented with great ability for amateurs. All seemed delighted with the entertainment and the evening passed off very pleasantly. The entertainment was so much enjoyed that, by request, it was repeated on Saturday evening.

Yours respectfully,
A. B.

FLOODS EXPECTED.—An eastern exchange states that grave apprehensions are entertained in respect to fierce freshets and destructive floods, inasmuch as the heavy snows which have fallen during the extraordinarily severe Winter months have accumulated to such an extent that a sudden thaw would produce incalculable mischief.