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THE DESERET NEWS.

TRUTH AND LIBERTY.

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— TERMS—IN ADVANCE. —

LOCAL AND OTHER MATTERS.

FROM TUESDAY'S DAILY, JUNE 7.

Exciting Election.—The following special to the NEWS arrived at 30 a. m. to-day:

FRISCO, June 7, 1881.

Exciting school elections here esterday. Town divided; two parties have been working 10 days; 500 otes polled. The regular ticket on by two and three votes over the eople's ticket. Forty buggies were nning all day. Williams and Morhouse were elected. The polls pened at nine a. m. and closed at even p. m.

Returned. — Elder Wm. Henry Adams, of Fountain Green, returned last evening from a mission to the Southern States, whither he went last October, having been called at the General Conference held that month. From here he proceeded to Georgia, where he labored, principally, during his absence. He baptized nine persons and assisted in the baptism of two others, and with his brethren, organized a branch of eleven members including a Sabbath School. He traveled most of the time with Elder T. W. Ireward, who returned last March, Utah. He then labored alone for two months, and was released on the 2nd of May to return home, on account of ill health. Previous to leaving the State of Georgia, he visited the branch in White County, where Elder Jos. B. Keeler is laboring and found the work prospering generally in that region. He met with considerable bitter opposition, and also with much kindness, and left matters in a good condition, with a fair outlook for the future. He will leave for home to-morrow, visiting friends by the way, and expects to reach Fountain Green in about a week.

A Good Man Gone.—Elder Henry Emery, First Counselor to Bishop Frederick Kesler, of the 16th Ward, and a man well beloved by all who had his acquaintance, died on Saturday afternoon at 5.30 o'clock, at his residence in the above named Ward. For several years he had been a sufferer from a cancer which formed upon his nether lip, and afflicted him so seriously that it was found necessary to remove it, which was accordingly done. It was hoped that after this operation he would find relief, but the same trouble soon re-appeared in the left cheek, and gradually descended to his throat, where it affected him so severely that he could scarcely swallow his food. For the last eight months he has been confined to his house, eating scarcely enough to sustain life, and gradually wasted away until death put an end to his sufferings.

His funeral was held yesterday, at 10 a. m., in the 16th Ward Meeting House, where the large assemblage of relatives and friends of the deceased were addressed, in succession, by Bishop F. Kesler, President Joseph F. Smith and President George Q. Cannon. The remains were consigned to a grave in the City Cemetery. Brother Emery's memory will live long in the heart of thousands, who knew him as an honest, upright, God-fearing man, a good husband, a kind father and a peaceable, industrious and useful citizen. He died as he had lived, in the faith of the everlasting Gospel, and after a life of honor and usefulness on earth, has gone to receive a glorious reward in the eternal realms where the righteous will dwell forever.

The Theatre Royal, Belfast, Ireland, was burned this morning.

FROM WEDNESDAY'S DAILY JUNE 8.

Annual Meeting.—An unusually large number of children assembled yesterday morning, at the West Jordan meeting house, in the second annual meeting of the Primary Association of that Ward. About 200 of the little ones came together under the presidency of Sister Mary Bird. The programme was a pleasing variety of songs, recitations, essays, dialogues, etc., which were all rendered in a very creditable manner. Of the visitors present from this city, were Sisters E. R. Snow Smith, E. B. Wells, E. C. S. Clawson, Camilla Cobb, Louie Felt, and Jane Freeze. In the afternoon, after the intellectual exercises were over, a dancing party was held, excellently managed by Brother Samuel Bateman, during which refreshments were distributed to the company. The entire affair was very successful. It is pleasing to note the rapid progress of these associations in our midst, and that they may grow and increase in the future proportionately as they have in the past, is our earnest wish and desire.

Sentenced for Life.—The Ogden *Herald* states that yesterday morning Wm. Mays, aged 30, and Henry Overholt, aged 21, both stage robbers, sentenced for life to the prison at Auburn, N.Y., arrived in Ogden under the charge of George Froman, guard of the Penitentiary in Boise, Idaho. They were placed in the Weber County Jail over night and this morning were to proceed eastward in care of U. S. Marshal Chase. On the 18th of November, 1879, they attacked and robbed a U. S. mail stage coach at Pilgrims Springs, Idaho. Pursuit was made on them and they were finally overtaken in Oregon and brought back to Idaho. On January 22d, 1880, they received their sentence for several years' imprisonment at hard labor in the Boise Penitentiary, from which they escaped in the following September, in company with two other convicts. They roamed about for months, often going hungry for days, hunting for game, themselves the eagerly hunted game of the officers of the law, who at last surrounded them on Boise River, where, after hard fighting on both sides, in which two or three officers and one of the convicts fell victims, they were forced to surrender. They were taken to Boise City and placed under close surveillance, while their former sentence was changed into the one indicated above.

FROM THURSDAY'S DAILY JUNE 9.

The Third Company.—We learn from the *Millennial Star* that the next company of Saints will leave Liverpool on June 25th, and will be the last until the vessel which sails on September 3d.

Appointments.—William Cooper is appointed to succeed Henry Margetts in the Presidency of the Sheffield Conference. A. N. Macfarlane is appointed traveling Elder in the Dundee Conference, O. C. Ormsby in the London, and George Stringfellow in the Nottingham, being released from being traveling Elder in the London Conference.—*Mill. Star.*

Severe Accident.— Brother William B. Barton, of the 18th Ward, met with a painful accident last evening, just before dark. Having occasion to make a visit some distance away, he mounted a horse owned by his son, and was proceeding down the street at a rapid gait, when the animal turned a corner towards an accustomed resort of its owner. The horse was immediately checked up, but stopped so suddenly that the rider was thrown off and alighted upon the left side of his head and shoulder. Two large gashes were cut in his head, from which the blood streamed profusely, and he was otherwise badly shaken. Nevertheless he got right up and was able to lead the horse home. He was very sick all night, and though a little better to-day, was not able to arise from bed.

Deseret Museum.— The Curator returns thanks for a specimen of silver ore from Judge Barbee, of Silveropolis and Silver Reef, in the earlier days of mining in Utah. Many of the most interesting mineral specimens in the Deseret Museum were presented by that gentleman, stalactites, stalagmites, silver in sandstones, petrified wood containing silver, horn silver from Silveropolis, etc., etc.

Thanks are also given for "Gems for the Young Folks," from the publisher, George C. Lambert, Esq., an ancient map of Boston, Mass., some manuscripts relating to the early history of the Church, and the original copy of the prospectus of the DESERET NEWS, with a list of the first (Utah Fort) subscribers for that valuable paper with initials of the future editor, W. R. For these interesting papers now deposited in the Deseret Museum thanks are due to a member of the family of the late President Willard Richards.

THE VALIDITY OF THE LIQUOR ORDINANCE.

In the Supreme Court of the Territory this forenoon—Chief Justice Hunter and Associates Emerson and Twiss on the Bench—the argument in the *habeas corpus* case of George A. Mecars, involving the question of the validity of the liquor ordinance of this city, were heard. Very little public interest was taken in the case, scarcely a score of people—attorneys included—being in court while the case was being argued. J. L. Rawlins, Esq., appeared with Judge Miner in behalf of the city; Arthur Brown, Esq., and Mr. Huey in behalf of Mr. Mecars. In arguing the question each side was limited to one hour.

Mr. Huey opened for Mr. Mecars, his line of argument, as detailed in the brief, being somewhat as follows: That it might be said to be an open question how far a territorial Legislature might go in granting to others extraordinary powers: that the ordinance in question was passed by the Council of Salt Lake City, Feb. 15, 1881; that the sole power of the charter was to "regulate" the business, and to license, regulate or restrain those engaged in it; and that the ordinance was framed solely to raise money "for the use and benefit of the city." This, counsel claimed, was beyond the grant of authority, and is in the nature of a tax, illegal and void. It was further claimed that the city has no right to exact any fee in the nature of prohibition; that the Territory itself could not do that; that the Congress and Legislature of the general government had always recognized the traffic in liquor as legitimate, and as a business protected at the common law. It had been held this did not interfere with prohibitory legislation by States, because local polity of that kind in States is sovereign. Utah was not sovereign. It had a grant to legislate on "rightful subjects of legislation;" what had been recognized and approved by Congress, could not be disproved and forbidden by the creation of its delegated authority. The general policy of the Territory was to permit the sale of liquors and not prohibit them. The business being legal, Salt Lake City could not by ordinance render it illegal. The terms of the ordinance relating to the business were merely "to regulate," not to prohibit, not to grant monopoly, not to tax. A monopoly of a general business was contrary to the Constitution of the United States. Yet the provision for paying and exacting $1,000 had been sustained, and had been practised and paid as a monopoly. Counsel argued that it was not intended to tax the liquor business at all. The city might regulate the business; this was its sole power. Salt Lake City is a city of 20,000 inhabitants. In such a town one might fairly, in the nature of humanity, expect from 30 to 40 saloons. Now this fee, if collected, would furnish a fund of over $30,000. Was there any reason to suppose that sum could be expended in regulating the liquor business? Five thousand dollars paid into the treasury would be a sum ample to furnish needed legislation and expense connected with this trade. No reported case, it is believed, could be found sustaining so exorbitant a fee for such a town. If a municipal ordinance, therefore, was unreasonable, the courts must declare it void whenever attacked collaterally.

Mr. Rawlins followed on behalf of the city and in the course of a very able argument, maintained that the business of selling intoxicating liquors on account of its pernicious character is within the police power of the State; that it was competent, therefore, for the Legislature to entirely prohibit it, either by direct legislation or by conferring this power upon municipal authorities to be exercised by them according to their own discretion; that in the city charter the power is expressly conferred upon the city not only to license, regulate and restrain the liquor traffic, but also to entirely suppress it under the power to suppress or restrain groceries, which means a place for the sale of intoxicating liquors; that these powers are conferred in general terms and the means of executing them are not pointed out in the charter. It is therefore competent for the Council to enact such ordinances as they may deem proper for the execution of those powers, and every presumption is in favor of the reasonableness of such ordinances. The party alleging the contrary must clearly establish it. Nor is it necessary to label the ordinance with the name of the power from which it may rightfully emanate. It would be judicially regarded as emanating from those powers who warranted its passage. The power to suppress and restrain implies the power as a means of carrying those powers into effect—to require a license and the payment of a fee as a means of restriction of the business. And this is an exercise, not of the tax power, but of the police power which has been conferred upon the municipal authorities, which they may exercise for the accomplishment of the objects of the powers granted. Upon this proposition the authorities are uniform, holding that the amount of fee, $1,000 per year, as required by this ordinance, under powers like those conferred upon the city, is a reasonable and proper regulation. That the fact that the money may go into the city treasury, to be applied to the use of the city, does not impress such a fee with the character of a tax; that the power to impose a property tax does not preclude the city from obtaining means in other ways, or in exercising any of the other legitimate powers conferred upon it.

At this stage of the argument, the Court took recess until 2 o'clock.

On the reconvening of the court, Judge Miner continued the argument on behalf of the City, and was followed by Mr. Brown, which concluded the discussion, each side having occupied the stipulated time.

The Court then adjourned until to-morrow morning, at 10 o'clock. A decision in the case may be expected in about a fortnight.

PROMPT ACTION OF COMPOUND OXYGEN IN LUNG DISEASES.

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