NEWS OF THE DAY. -A Washhington telegram, received shortly before going to press, says that the nomination of

THE EVENING NEWS

DAVID O. CALDER,

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EDITOR AND PUBLISHER.

-Another thief has been found out-a Boston book-keeper; amount stolen \$35,000 to \$40,000.

---- More damage by flood in dif ferent parts of the east.

-Mr. Batty, shot by Fryer at Tokerville, U. T., on Tuesday, is dead

----Moody and Sankey are still the great attraction in the religious world of London.

-George M. Emerson alias Col. F. W. Fenton, a ten cent swindler, has been arrested in Washington, D. C.

. ---- There was a tremendous snow storm yesterday, in Minnesota and Iowa.

-There is said to be great mortality among the colored people in the District of Columbia.

-Several suspected Ku Klux have been arrested in Kentucky.

-The New York legislature has defeated the bill to enable a wife to testify against her husband.

-Proceedings have been com-menced to secure from the Sloux Indians their title to the Black Hills country.

-According to a London dis-patch of to-day's date, trouble is imminent in the East Indies, between Britain and Burmah.

-The Hawailan reciprocity treaty was under discussion in the U. S. Senate yesterday.

know the law under which they FLINT vs. CLINTON. act, and if an officer executes a writ void on its face, the law will presume malice; and the same pre-sumption attaches to all who ald or abet him in the unlawful sct. 2nd Bouvier Inst., Sec. 2360. DEFENDANT'S ATTOBNEYS' RE-QUESTS TO CHARGE. Third District Court for the Territory of Utab. CHARGE OF JUDGE MCKEAN TO Kate Flint. THE JURY. Jeter Clinton et al.

Gentleman of the Jury-In the case in which you have been sitting Requests to charge on behalf of the so many days the counsel for the defendants.

Press, says that the nomination of ex-Congressman Parker, for the searce of monon nulsances; they are such by the statutes of this Termination of the favour of the searce of t respective parties have requested me in writing to charge you on certain points of law, or which they have supposed was law. These pro-

I may perhaps, if the time admits, explain to you why I deny it as a whole, or I may simply say yes or no. Counsel in drawing up these propositions are supposed to regard them as law, and if they are in doubt about it, or if they suppose the court erred in giving or refusthe keeper thereof, and abatement of the nuisance; also to determine ing any of the instructions, they whether a house so complained of save the point and reserve the right to have it revised by a higher. was or was not a nuisance within

the meaning of said ordinance; that the meaning of said ordinance; that on determining a house so com-plained of to be a nuisance for being a bawdy house, such justice had jurisdiction to adjudge that property used directly in the main-tenance thereof should be destroy-ed as a mode of abatement. 5. The proceedings against Kate Flint, before Jeter Clinton as jus-tice of the proceeding beau court. I am asked to say to you on the part of the defendants -First.

Yes, gentleman, 1 say so. They are so declared to be by statute law and at common law. They are declared to be nuisances and a nuisance may be abated by tice of the peace, which have been process of law. More of that here put in evidence, show on the face a after, however.

valid exercise of such jurisdiction under said laws and ordinance, if the jury find that said Clinton was then a justice of the peace of said Salt Lake City; that by the com-There is a request to state

There is a request to state to you what it is competent for the legislature to do. It is not a request to say to you that the legislature has done so. Yes, gen-tlemen, it is competent for legisla-tures, whether they be state, terri-torial, or national, to do a great many things which they do not see fit to do. Hardly any legislative body has ever exercised all the power it has. Salt Lake City; that by the com-plaint, warrant of arrest, arrest of said Kate Flint and her presence before him by means of such arrest, said justice obtained jurisdiction of the person of said Kate, and the subject matter of said complaint, which was a jurisdiction to hear evidence and determine whether are was cuilty of keening a house of

evidence and determine whether ahe was guilty of keeping a house of prostitution, as stated in said pro-ceedings, and what preperty should be destroyed to abate the nuisance. 6. A general judgment, otherwise valid, that the nuisance of a bawdy prostitution, as stated in said pro-ceedings, and what preperty should be destroyed to abate the nuisance. 6. A general judgment, otherwise valid, that the nuisance of a bawdy valid, that the nuisance of a bawdy valid, that the nuisance of a bawdy ignated place, be abated, and a war-ignated place, be aba power it has.

pile it up out of the way or remove it, so as to inconvenience the public as little as possible. The nuisance could be abated in that way with out destroying the property, and they could even fine him for that nuisance without going to the ex-tent of breaking his price or other material. You see, gentlemen, there is always a proper way to do a proper thing, but there may also be an improper way to do a proper thing. In enforcing the laws, we who enforce them are governed by the law ourselves. The law which points out the crime also points out

ty to be destroyed without so par-ticularly describing it as to direct the officer what it is.

No, this proposition, taken in connection with this warrant of connection with this warrant of abatement here, would leave to this officer a wide discretion as to what kind of property was used there for the purposes of keeping a house of prostitution. This warrant orders the abatement of all property used therein, kept for the purposes of keeping or conducting a house of ill-fame. It reads thus—"You are therefore hereby ordered to proceed forthwith to abate said nuisance by demolishing all things found there-

in, used for the purpose of keeping and conducting a house of ill-fame." The order don't specify "You are ordered to demolish all things found therein, used for the purpose of keeping or conducting a house of ill-fame." The magistrate the actual value. Tenth ought to point out what it is that is to be destroyed, and not leave it to the officer who executes the war-rant. The officer might have thought these girls were things used in keeping and conducting a house of prostitution, and he might have taken their lives. No one would think for a moment that the

Eleventh.





-Frost, darkness and flood prevail at Wilkesbarre, Pa.

-Dr. Goodwin, of York Co., Pa., has been arrested upon a charge, which, if true, stamps him as one of the greatest villains of his times. For particulars see tele-Flint, mentioned in said proceed-ings before said justice, is the plain-tiff in this action, that said justice grams.

-The mercury was four degrees below zero at Chicago yesterday. A telegram received this af-ternoon says that a family of six, named Burt, were buried in a snow alide at Liberty, Ogden Valley, yesterday afternoon.

-No delay is to be granted in the execution of Vasquez, and that prince of cut-throats will, if his sen-tence is carried out, bid farewell to mortality, at San Jose, California, to-merrow.

-A letter from Florence, Arizo na, says that the supposed Bender, under arrest there, has confessed that he is the veritable Kansas Bender, but that he is not guilty of commend of said warrant, so far as the jury shall find said acts reason-able and necessary to the abate-ment of the nuisacce maintained murder.

-The Carlists lost two hundred men in a recent engagement.

-A heavy failure is announced in London; liabilities two million dollars.

said warrant. -A jury of physicians is to be appointed by the French govern-ment, to inquire into the cases of Bonapartists enjoying pensions on account of infirmities alleged to 8. The marshal and police officers of Sait Lake City, and any persons assisting them therein by their re-

Jury of physicians nerved by the French governing the missions in said city, and are not indicated in the service of the missions in said city, and are not set the nuisances in said city, and are not set the nuisances in said city, and are not set the nuisances in said city, and are not set the nuisances in said city, and are not set the nuisances in said city, and are not set the nuisances in said city, and are not set the nuisances in said city, and are not set the nuisances in and city indicates in the nuisances in and must act go beyond these limits and must act the time set have not set the set of the particles is an officer of infector jurisdicidor in cases of nuisance. I say, yes, the limit is the use suppose that if some he mast be careful how he exercises in a fort of the statement that the time said place which nuisance of the statement have be and must act the time said place which nuisance is an officer of a new building a house, were the new state of organizing an error of the defendants, are must and the nuisance of a new building in the defendant, are must and the nuisance of a new building in the defendant, are must and the nuisance of a new building in the defendant, are must and the nuisance of a new building in the defendant, are must and the nuisance of a new building in the defendant, are must and the nuisance of a new building in the defendant, are must and the nuisance of the sect to be a similar case to do a simil

-The republican Senators held a caucus on Louisiana affairs this

morning. -The U. P. express is eight hours late at Green River to-day.

----Spain has demanded from Germany the extradition of Al-phonso, brother of Don Carlos, for a violation of the common laws.

by the plaintiff by keeping a bawdy house at the place mentioned in

Third. No, gentlemen, I can't say that. That is a pretty voluminous ordinance, and there is much is defendant Clinton, then said proceedings before said justice are in it that is all right and valid, and evidence of the things done which some things which I do not believe are embraced in the issue being tried in this cause, and said defend-ant Clinton is entitled to a verdict in his favor. And if the jury find that any of the defendants, who are so. The counsel in this propo-sition have not called my attention to any particular sentence or sec-tion, but ask me to charge as to the whole ordinance. I say no, in actually took part in destroying her

relation to the whole ordinance. property, were marshal, deputy marshal or other officer of said City, Fourth,

marshal or other officer of said City, or other person having authority officially to serve process, issued by said justice, or subject to be called by such officers to ald herein, the warrant issued by said justice to execute his judgment in said pro-ceedings, was a full justification to them for all acts done by them, or either of them, in pursuance of the commend of said warrant, so far as sentence upon any person convicted of that offence before him. He had a right to fine and punish such

proposition-1. That a justice of the peace had jurisdiction of complaints of person. He had a right, within the limits of the authority vested nuisance. in him, to abate such nuisance. But

a justice of the peace has not all power. He has but limited jurisproper proof in which a justice of diction. A justice of the peace could not order all kinds of nuisan-ces to be absted by ordering all the property connected therewith to be destroyed. A justice of the peace is an officer of inferior jurisdiction,

and the City Council, under the legislature of the Territory and Congress have a right to punish the keepers of houses of ill fame. It is necessary to good society and good morals that this should be so. And and reasonable to accomption the abatement of such nuisance. 9. This action can not be main-tained by less proof then would be required to convict the defendants of the criminal offence mentioned in the statute referred to in the

9. This action can not be maintained by less proof then would be required to convict the defendants of the criminal offence mentioned in the statute referred to in the complaint; that is, the plaintiff can not recover, unless the jury are satisfied beyond a reasonable doubt that the defendants injured or destreyed her property, described in the complaint, willfully and maliciously, and a mere preponderance of evidence is not sufficient.
10. The jury are not sufficient.
11. The jury are not sufficient.
12. The jury are not sufficient.
13. The jury are not sufficient.
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19. The jury are not sufficient.
10. The jury are not sufficient.
11. The jury are not sufficient.
12. The jury are not sufficient.<

to accomplish the breaking up of such illegal business at such place. 7. If the jury find that Kate Flint, mentioned in said proceed. girls. The magistrate, even if it were conceded that he had the

the property. The meaning of the words in our language are found in the dictionary, and it is not neces-sary for the Court to go into the defi-nition of the words wilful and mawere conceded that he had the right to order some property des-troyed, even if it were conceded that he had the right to do such a licious. The destruction should be thing, should have pointed out the wilfully and maliciously done be kind of property which he intend-ed should be destroyed, and that too within the limits of his jurisdicfore you may give a verdict for three times the value. tion. But there has been no juris-diction ever conferred upon a Justice of the Peace to destroy an Twelfth.

unlimited quantity of property, property worth thousands and find from the evidence that it was thousands of dollars. Suppose this not done wilfully and maliciously Court, which has vastly more pow-

Court, which has vastly more pow-er than a justice of the peace, was to issue a warrant of that kind, and leave the officer to judge what kind of property is used in keeping and conducting a house of ill-fame. The officers with such large scope might go further even than the Thirteenth. Yes, gentlemen, that's so.

Fourteenth. Court intended they should go. I say, therefore, in regard to this

No, gentlemen, I can't say that. There are some things for which a party may be sued in a civil action and also indicted in a criminal one, but I can't c'arge you that there must be in this case a conviction for the criminal offense before you 2. There may be instances on

the peace may order certain things On the part of the plaintiff I are requested to say-

Yes, gentlemen, I have already

said that to you.

I have here interlined, in pencil, "in 1872," as we are dealing with a justice of the peace at that particu-lar time. I therefore say, justice of the peace in 1872. There has been some legislation since and I don't care to say anything about that at all.

Yes, gentlemen, I have already said to you that Justice of the Peace Clinten, in ordering an unlimited quantity of preperty to be destroy-ed, and such as he did order to be destroyed, went beyond his author-ity as justice of the peace, and had no authority to order it to be des-

Yes, gentlemen, it is. In exe-cuting that warrant, the Justice did not keep within his jurisdiction. Fourth.

Yes, gentlemen, but the pre-sumption of malice can be explain gentlemen, when it is proved be-

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gentlemen, when it is proved be-fere a justice of the peace, that a certain woman in a certain house keeps what is knewn as a bawdy house, or place that is resorted to by men for the purpose of illicit sexual intercourse, he has a right to deal with it under certain lim-its proved that a man keeps a simi-lar house for illicit sexual inter-course, a justice of the peace has jurisdiction and may deal with it within certain limits. Now, then,

