

A CRIMINAL CONFESSION.

WE publish today the complaint filed by B. F. Stewart in his suit for damages against the city, consequent upon the revocation of his license. Stewart claims that his liquor retailing business for which he held a license from the city, was carried on in connection with a theatrical business, that the latter was part of the former, and that having to close it up he has been damaged to the amount of \$5000 in the theatrical part, and a similar sum in the saloon part proper of his joint establishment.

The complainant won his case before Judge Anderson in contesting the power of the Council to revoke his license. But it is likely to go up to the Supreme Court of the Territory and may meet with a different fate. In this suit for damages, however, the matter will receive consideration, no doubt, under further light and in a different manner.

We do not believe the City Council intended, nor had it the legal power, to license a liquor dealer to dispense intoxicants in a theatre or show house of any kind. In his complaint, as we have shown, the plaintiff avers that he did sell liquors in the so-called theatre—a place with a most unsavory reputation—and that he is damaged because he was prevented from doing so. Well, the law provides that such selling of liquors is criminal.

"Every person, who sells or furnishes any malt, vinous, or spirituous liquors to any person in the auditorium or lobbies of any theatre, melodeon, museum, circus, or caravan, or place where any farce, comedy, tragedy, ballet, opera, or play is being performed, or any exhibition of dancing, juggling, wax work figures and the like, is being given for public amusement, and every person who employs or procures, or causes to be employed or procured, any person to sell or furnish any malt, vinous, or spirituous liquors at such place, is guilty of a misdemeanor."—Compiled Laws 1888, section 4518.

We take the ground that though the City Council granted to the complainant a license to sell liquor at No. 31 Franklin avenue, it was simply, as the license states, for a bar, and not in connection with the alleged theatre. And that if it did give a license to sell liquor in the show house, the act was illegal and void and the complainant is not damaged before the law in the revocation of the unlawful license.

The City Council has no power to license any one to commit a crime. The plaintiff makes his own confessed misdemeanor the very ground of his complaint and claim for damages. Compare the last paragraph but one of his complaint with the section of the law we have quoted, and it will be seen that he gives his case away.

He has used the license, that he re-

ceived, unlawfully. It ought to have been revoked, or rather it ought never to have been granted. But whether the City Council exceeded its powers in that revocation or not, it is clear that the plaintiff in this suit simply wants damages for being prevented from continuing to commit a misdemeanor, which he acknowledges he had been guilty of and of which he had made a business.

We are of the opinion that Mr. Stewart has made a mess of his attempt to bleed the city, and that it places him in imminent danger of six months imprisonment, or of a fine of three hundred dollars, or of both fine and imprisonment as a competent court may decide.

IDENTITY OF A POSTAL THIEF.

THE following appeared in this morning's issue of the "Liberal" organ of this city:

"BUTTE, Mont., Jan. 5.—F. L. Patterson, a volunteer clerk in the Butte postoffice, was arrested today by Inspector Watkins for robbing the mails. Patterson has been assisting in the mailing department for a month past. Frequent complaints have been made of late of money being lost through the postoffice. Suspicion was centered on the extra clerk. Patterson was at the postoffice bidding the employees good-bye, as he was to have left this afternoon for New York to engineer a mining deal. Inspector Watkins told him that, when he got through shaking hands, he would like to see him. At the proper time Watkins told Postmaster Evans to look in Patterson's left shoe. He did so, and, between the elastic side, he found a letter containing twenty dollars.

"Patterson is a man of good appearance, dresses well and has a wife and daughter here. He served two years in the Utah penitentiary for bigamy, having a wife in Denver and another in Ogden."

The reason for directing attention to this dispatch is because there appears to be an attempt on the part of our cotemporary to convey the impression that Patterson is a "Mormon." It has been its custom to designate all those members of the Church who have been prosecuted under the Edmunds law for unlawful cohabitation as "co-habers." The paper referred to headed the dispatch—"A cohab comes to grief;" yet it was a case of bigamy. Patterson never was a "Mormon." He was formerly of Denver, but at the time he came to grief resided at Ogden, and was employed as a postal clerk on one of the railroads. He went through a ceremony of marriage with a young woman in the "Junction City," notwithstanding he had a wife and family in Denver. He was tried and convicted on an indictment for bigamy in the District Court at Ogden and sentenced to a term of two years in the penitentiary.

While in prison he was in the habit of writing letters to his wife in Denver, making pretensions of intense affection and declaring his intention of casting off the woman he had deceived at Ogden. He wrote similar letters to the Ogden woman, announcing his purpose of obtaining a divorce from the Denver wife. By an inadvertence, or otherwise, the prison officials, after examining the epistles, put each in the envelope properly belonging to the other. The effect upon the persons by whom the missives were respectively received can be readily imagined.

THE BORDER REVOLUTIONISTS.

THE revolutionary affair on our Mexican frontier is becoming interesting because of the aspects which it assumes. When Garza first began his predatory operations with a handful of followers, the general idea that prevailed concerning him was that he was a crank, of the genius desperado. It soon became apparent, however, that there was a potent influence behind him, otherwise Texans and Mexicans would not have been so ready to flock to his standard. This suspicion was emphasized when soldiers of the Mexican army assassinated their officers and joined their fortunes with his. When it was announced that the Catholics were enlisting in his service in considerable numbers, still a little more light was let in upon the subject, President Diaz having taken a strong stand against the influence of the the Catholic clergy in state affairs, naturally attracted toward him the antipathy of the Roman church. It is evident that the religious question has something to do with the vitality displayed by Garza, if not with the origin of the movement itself.

One feature of the disturbance is somewhat striking—the paucity of the efforts made by this country to wipe out the revolution, if such it may be called. Here is the position: An armed revolutionary force is quartered on American soil and operating against a neighboring and friendly government, toward which they are guilty of treason. The operations of these marauders go on for months practically unchecked. This question arises: Is the continued existence of the enemies of the Mexican government on our border the result of inability on the part of this country to put an extinguisher upon Garza and his forces, or of the want of a disposition to do this? The former idea seems absurd upon its face.

Suppose the position were reversed and a large body of traitors to the American government were located