exceedingly well, all seeming very glad to see us.

After spending these three days at Paris, we visited some of the neighboring settlements. We had meeting at Montpelier, and passing through Bennington, Georgetown, Ovid and some other small settlements, we visited Soda Springs, where we remained a day and a half, having two meetings with the people. We then resumed our journey, following down Bear River, camping out on our route, until we reached the settlement of Franklin, and thence on to Richmond, Smithfield and Hyde Park, holding meetings in each. Yesterday we started from Logan, and reached home in four hours and twelve minutes in special trains. We had been gone two weeks and one day, having travelled two hundred miles by carriages through the mountains, and two hundred miles by railroad. The elders of our party scattered among the settlements and held twenty-six meetings. We visited the Sunday schools and different organizations, and found them all alive to their several duties.

In almost every town we visited we were saluted on our arrival by a body of Sunday school children, who turned out by hundreds. It almost seemed impossible that there could be so many children in the country as came out to meet us.

President Young was suffering on this journey from an attack of rheumatism, which rendered him uncomfortable. But still he preached a number of long and excellent sermons, sometimes speaking an hour and twenty minutes. He addressed all the large meetings, and did it in more than his usual energetic, eloquent and interesting style, and returned from the journey in a better state of health than when he went away, for then many of his friends thought it very doubtful whether he would be able to proceed on his journey; but he accomplished it, and returned improved. For a man of his years, performing continually, as he does, a vast amount of labor of both mind and body, it seems almost miraculous that he could take this journey, attend so many meetings and councils, and endure the riding over a country as rough as the one we passed over. We were sometimes seven or eight thousand feet above the level of the sea, frequently six thousand, and then down to four thousand five hundred, and so on, up and down, through valleys and hills, the roads sidling in many places, rendering traveling difficult and unpleasant. Though after I had traveled through Palestine, where there are really no roads, I thought the country we had just passed over remarkable for its fine roads.

We bore testimony to the Saints, of the everlasting gospel, the plan of salvation which was revealed, through Joseph Smith, to this generation. We found them generally living in obedience to the principles of the gospel and rejoicing in the truth. There was a marked improvement, since I travelled through those northern regions before, in the condition of the roads, bridges, and private residences, and in some settlements a large number of barns have been erected. It seems, in the making of the settlements in these valleys, that it has been a difficult matter for the farmers to provide themselves with sufficient barns and store-houses, they are wanting almost everywhere, but some of these northern settlements are becoming very well supplied with these outdoor conveniences.

I am pleased to have the privilege of meeting with you again. I wish to bear my testimony to the interesting discourse which has been delivered to you this afternoon by Elder John Taylor, and I pray that the blessing of the Almighty may be upon us all. I feel that his blessing is over all the valleys where the Saints dwell, and inasmuch as they will abide in their holy faith, the faith of the holy gospel, live in accordance with the principles of truth and the law which God has revealed for their salvation, the Lord will be their protector.

From the time that Joseph Smith took the plates of Mormon from the hill Cumorah to the present moment the enemy of all righteousness has been howling, and exercising every means in his power to destroy those who believe in the Book of Mormon, and who are willing to follow the instructions and counsels which God has given for the upbuilding of his kingdom in the last days. But they who have been humble and have walked in accordance with their profes ions have been upheld and protected, and the blessing of the Almighty has been continually upon them.

I pray the Lord that his blessings may rest upon you and that you may rejoice therein, that we may all be able to walk humbly before him, keep his commandments, have power to overcome, and with the faithful be prepared to dwell in his kingdom, through Jesus our Redeemer, Amen.

BILLIARD TABLES.

OPINION OF CHIEF JUSTICE McKEAN.

Territory of Utah, Third District Court. The People, etc., *vs.* Chas. W. Kitchen.	}	September Term, 1873.

On the 6th day of September, inst., one Brigham Young Hampton made a complaint, in writing, before Jeter Clinton, a justice of the peace of Salt Lake City, in which he deposed "that Charles W. Kitchen, on the 5th inst., at what is known as the Clift House, in said city, unlawfully did keep, and was there and then the keeper of billiard tables; the said tables not there and then being kept within any dwelling-house for the owner's recreation, and without first obtaining a license for so doing, contrary to the provisions of an ordinance of said city, entitled," etc., citing the ordinance.

The ordinance referred to provides that for billiard tables so kept, a license shall be paid as follows, to wit:

For one table for three months, -	$100 00
" two tables " " -	175,00
" three " " " -	225,00
For each additional table for three months - - - -	25,00

The ordinance also provides that whoever shall violate any of its provisions shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be liable to a fine in any sum not exceeding one hundred dollars, or to imprisonment not exceeding six months, or both fine and imprisonment.

The justice of the peace issued his warrant and caused the defendant to be brought before him. The defendant pleaded guilty to the charge. The magistrate thereupon imposed upon the defendant a fine of one hundred dollars, and committed him until the fine should be paid, not exceeding one day for each dollar of the fine. The defendant is brought into this court by a writ of *habeas corpus*, the petitioner claiming that the ordinance in question is unreasonable, unjust, illegal, unconstitutional and void.

J. R. McBride, for the petitioner, cites the City Charter, Laws of Utah, 114; City of Mount Pleasant *vs.* Breeze, 11 Iowa, 399; Dillon on Municipal Corporations, secs. 18, 55, 255-6-9; 260; 296 547-8-9; and 14 Statutes at Large, 426, sec. 1.

E. D. Hoge, for the people, cities, city charter, sec. 61; Amended charter, Laws of 1872, p. 11, secs. 3 and 9; Laws of 1869, pp. 16 and 17; Chilvers *vs.* The People, 11 Michigan, 43; *Ex parte* Tobias Watkins, 3 Peters, 193; Dillon on Municipal Corporations, secs. 8 and 9; 300, 353, 359; Hurd on Habeas Corpus, 332-6, 351; and Hosea Stout *vs.* The People, MSS.

McKEAN, Chief Justice. — Not only is the power to issue the writ of *habeas corpus* conferred upon this Court and the Judge thereof by the organic act (see sec. 9), but the territorial laws have given the most ample authority thereunder. Section 19, chapter 10, page 40, Laws of Utah, provides as follows: "Upon the return of any writ of *habeas corpus*, the court or judge shall * * * proceed in a summary manner to settle the said facts, by hearing the testimony and arguments, as well of all parties interested civilly, if any there be, as of the prisoner or prisoners, and the person or persons who hold him, her or them in custody; and shall dispose of the prisoner or prisoners as the case may require," etc. This statute authorizes and requires the Court to examine into and pass upon the questions raised in this case.

So far as the legislative assembly can confer the power, it has, by section 22 of the City Charter, empowered the city council "To license, tax, regulate, suppress or prohibit billiard tables."

There can be no doubt that this provision gives the city council ample authority in all cases where billiard tables are used for gambling, betting, or winning money or property by a game of chance. But if there was in this city a manufacturer or vender of billiard tables, and if the city council were to pass an ordinance prohibiting such manufacture or sale, or demanding an oppressive and ruinous license therefor, the courts would be compelled, in a proper case, to declare such ordinance to be unreasonable, null and void.

Section 21 of the City Charter, authorizes the city council "to prevent, punish or prohibit * * * all descriptions of gaming, playing at dice, cards or other games of chance, *with or without betting.*" I repeat, this gives ample authority where any game of chance is used for gambling, betting or winning property. But if under this provision the city council were to prohibit a man from playing a game of chess with his wife; or young men from playing a game of base ball; or young ladies from playing a game of croquet, where there was no semblance of betting, both such ordinance, and the statute authorizing it, would be to this extent, null and void. Such games, so conducted, can neither be prohibited, nor can a license be demanded therefor. It is not the province of government to interfere with such matters, until they shall have degenerated into some abuse injurious to society. The Supreme Court of Michigan says—"The object of a license is to confer a right that does not exist without a license. And consequently a power to license involves, in the exercise of it, a power to prohibit under a pain or penalty without a license." (*Chilvers vs. the People*, 11 *Mich.* 49.) The right to indulge in the innocent games referred to above, exists without a license. It therefore cannot be prohibited. In the case at bar it is not charged that the billiard tables of the petitioner were used for betting, gambling, or winning property by any game of chance. Indeed it is clearly proven that they were not so used, and that nothing whatever was charged for their use. There were eight of them in number, and they cost between $3,000 and $3,500. The license demanded of the petitioner for "keeping" them amounts to $1,400 per year. The offence charged is not gambling, nor the permitting of gambling, but "*keeping billiard tables.*" What must the petitioner do? He owns eight billiard tables; he does not allow them to be put to any wrongful use; and yet the alternative is presented to him, either to destroy his tables or else to pay, each and every year, a "forced loan," under the guise of a license, amounting to nearly one-half the original cost of the property! The ordinance in question is unreasonable and therefore void.

The petitioner is discharged.

CAMBLING HOUSES.

OPINION OF CHIEF JUSTICE McKEAN.

Territory of Utah, Third District Court. The People *vs.* Chas. H. Douglas.	}	September Term, 1873.

The defendant was prosecuted before a justice of the peace on a charge of keeping a gambling house in Salt Lake City. A judgment was rendered against him for $100.00, and he was committed for non-payment thereof. He is brought into this court by a writ of *habeas corpus*, and here claims that the city ordinance under which he was fined and imprisoned is null and void.

J. R. McBride, for the petitioner, cites the city ordinance, the Laws of Utah, 53. Sec. 38: Dillon on Municipal Corporations, Secs. 251—3; 300—2—3; 357—8; 2 Michigan, 332; 17 Michigan, 398.

E. D. Hoge, for the people, cites, Laws of Utah, 1868, p. 32: Hurd on Habeas Corpus, 336: and Cooley on Constitutional Limitations, 197.

McKEAN, Ch. J.—The Statute, Section 38, Title 3, Chapter 22, p. 53, Laws of Utah, provides a fine for keeping a gambling house, of "not more than eight hundred dollars, or imprisonment not exceeding one year, or both, at the discretion of the Court." A subsequent city ordinance provides a fine for that offense, "not exceeding one hundred dollars, or imprisonment not exceeding six months, or both fine and imprisonment." The counsel for the petitioner urges that since the Legislative Assembly had provided one penalty, the City Council had no authority to provide another, and that, therefore, the ordinance under which his client was convicted, is null and void.

The authorities bearing upon this question are conflicting. But it is unnecessary to decide it upon authority. Even if the City Charter should be adjudged to be defective in this particular, (which the court does not intend to adjudge), the Legislative Assembly, since the statute cited first above, has provided, "That no part of the charters of the incorporated cities in this Territory, shall be construed to authorize a city council to, in any way, license or tax any kind of gambling, either for money or other property, or to license or tax houses of ill-fame, bawdy or other disorderly houses or places, but they shall prohibit and abate all such acts, houses, and places, as they are herein forbidden to tax or license.

"Sec. 2. All laws or parts of laws conflicting with this act are hereby repealed." (See laws of 1868, p. 32, chapter 28.)

This statute would seem to make it unnecessary to rely upon judicial decisions in deciding the question raised. The city council had authority to enact the ordinance in question; the petitioner has been convicted under it; and the writ of habeas corpus must be dismissed, and the petitioner remanded, to pay his fine or serve out his imprisonment.

NOTE.—In the case of the People *vs.* Robert C. Wood, the decision of the Court is the same as in the People *vs.* Douglas.

TERRITORIAL DISPATCHES.

PER DESERET TELEGRAPH LINE.

KANARRA, 16. — The Kanarra Coal Mining Co. are pushing ahead. They are turning out large quantities of superior coal, which, finds a ready market at Pioche. They are also making excellent coke, six tons of which was sent off yesterday, besides coal. A brisk trade is springing up. There was a report that the coal bed was on fire yesterday.

MT. PLEASANT, 16.—Four children, the oldest about five years old, left Fairview last Sunday, and came to this place, a distance of nearly six miles. They were noticed by some of the citizens of the place, but thinking they were belonging here, no particular attention was paid to them. The mother of the children having missed them from Fairview, upon inquiry learned that they were seen on the road coming here, and she reached here in search of them about 5 or 6 p. m. Three were found on the south of the city about dark, but he eldest, a girl, could not be found, having through some cause got separated from the others, and the little ones could give no information in regard to the missing one. At eight or nine o'clock it became generally known that a child was lost, and the people turned out in large numbers, both from this place and Fairview, to assist in the search. The night, being dark, the search was prosecuted with little hope of recovering the wanderer. Thinking it most probable that she had attempted to return home and lost her way, they searched and found her tracks, taking that direction. Following these, they came to where another road leading to the mountains turned off, which the little girl had taken. This was followed to North Creek, about three miles, where the road having been unused, the darkness prevented the tracks being seen and followed further that night. Thinking the child would travel but little further after her journey of the whole day, fires of sage brush were lighted in all directions, with the hope of driving off the coyotes, which kept up a continual howling. Believing that the child was within the radius of the fires they confined their search mostly within those limits until morning, when the light enabled them to detect her foot-prints leading towards the mountains. Daylight enabled the parties in pursuit to follow with considerable speed and soon, a mile up Birch Creek canyon, six or seven miles from this place, the little one was found sitting by the road side, her apron filled with the tinted maple leaves, dropping gently to sleep, overcome with fatigue, having traveled the whole night.

Indians are reported in this vicinity again, with hostile intent. A man in the canyon yesterday reports having seen several, and escaped, leaving his team and wagon. Some parties, out scouting in that direction to-day, report signs of hostile Indians in the neighborhood.

SPRINGVILLE, 16.—About 12 m. to-day, while several children were swinging in the barn of W. D. Johnson, of this place, the jar occasioned by the swinging caused a pistol to fall from a shelf above, which discharged itself, shooting his daughter, about two years old, through the head, it is feared fatally; another daughter received a shot from the same discharge, causing a flesh wound in the arm. C. D. EVANS.

INFORMATION WANTED. — Mr. Thompson, the leading prosecuting witness in the Butcher tragedy case, called this morning and desired us to publish a description of his missing son, with a request for any person who may know anything of the whereabouts of the lad to impart the information for the benefit of the anxious father.

The boy's name is Putnam Thompson, he will be fourteen years old next December, is short for his age, has large dark eyes, a pleasant, open countenance, brown hair, and rather dark complexion. When last seen by his father he had on a black coat, and brown overhalus over gray pantaloons. When he left this city for Lehi, over four weeks since, he rode a bay three year old horse colt, branded C on left jaw, and had a wrench brand on the left hip. Address David Boucher, near Dayton, Butte County, California. Mr. Thompson himself will leave for California in a short time.

PROBATE COURT.—Saturday, Sep. 20th, 2 p.m.—Court met pursuant to adjournment. The prisoners, Butcher and Taylor, were present when the Court charged the jury, and the latter retired to their room, in charge of the bailiff. At 8 o'clock the jury returned with a verdict of not guilty.

The People, etc., *vs.* William and Warren Dickson, assault with intent to do bodily injury. Case called and laid over till Monday.

Esther E. Crocker, *vs.* John Crocker, in divorce. Dismissed till Tuesday.

Ann Peterson *vs.* Neils Peterson, in divorce. Two witnesses examined on part of plaintiff. Decree made.

Mary J. Russell *vs.* William Russel, in divorce. One witness examined and decree made.

Monday, Sep. 22, 9 a.m.—The People *vs.* Dickson. Case called and laid over till to-morrow.

Joseph Stiles *vs.* C. Dempster. Rosborough and Merritt, attorneys for the defendant, came into court and argued demurrer to the complaint. The demurrer was sustained and the case was dismissed, the plaintiff to pay costs.

ACQUITTED.—It will be seen, by our Probate Court minutes, that the jury in the case of Butcher and Taylor, indicted for the murder of the three Cottons, returned a verdict of not guilty as charged in the indictment. The jury stood nine to three for acquittal, on the first ballot.

The general expectation was that such would be the verdict, or that the jury would disagree, which would have caused a new trial to be necessary.

The evidence showed that the accused never left Butcher's house, and that all three men who were killed, met with their fate there. The indictment charged the accused of murdering, etc., with malice aforethought, and the jury could not see that they could find a verdict of guilty as charged according to the evidence adduced before them.

THE "WYOMING" COMPANY.—The following despatch was received by President Young this morning:

"New York, 20th.

"Brigham Young.

"The *Wyoming* company leave to-night. Four hundred and fifty souls. All well.

"W. C. STAINES."