

tenianus, in the carboniferous rock of the Mississippi Valley. In Europe they include all such under d'Orbigny's name, *P. Cora*; and they would there doubtless refer your specimen to that species.

"This dark limestone near Salt Lake City, from which the specimens were obtained, almost certainly belongs to the carboniferous system; and most probably to the lower carboniferous.

"Any other shells that might be found in the quarry at the Warm Springs would be of interest, as they might afford evidence to decide the question whether the rock belongs to the coal-measures, or to the lower carboniferous. Even if of the coal period, however, it is improbable that coal, in workable quantities, will be found there. At least all experience, so far, seems to point to the conclusion that the carboniferous rocks of that region are barren of coal; the coal mines at Coalville being in the cretaceous."

FROM SATURDAY'S DAILY, JUNE 6.

From Provo.—Associate Justice P. H. Emerson is in town.

Confirmed.—California exchanges state that the appointment of Jas. B. McKean, as Chief Justice of Utah, has been confirmed by the Senate.

Thunder Storm.—Last night there was a thunder storm, the sky and valley were frequently illuminated by vivid flashes of lightning, and a fine shower of refreshing rain descended.

The American Encyclopedia.—The sixth volume of this excellent work is now ready for delivery by the agent, Mr. Trescott, to subscribers. The volume contains 800 pages, and embraces articles from Dempster to Everett inclusive.

Will Recreate.—The Eleventh Ward Sunday School expect to spend Monday as a holiday at Lindsey's Gardens, and the Eighth Ward Sunday School expect to spend Tuesday at the same place.

Parents and guardians of the children have free entrance to the gardens on those days.

Mandamus.—The matter of the writ of mandamus issued by Judge McKean in favor of some "non-Mormon tax-payers" against the municipal officers of Salt Lake City, requiring the latter to show cause why they should not allow the complaining party to take copies or transcripts of the accounts of the corporation and carry them away, was being argued to-day, at the U. S. Marshal's office.

A Life Saved.—Marshal McAllister marched an unregistered, uncollared dog to the City Hall this morning, with the intention of sending him to the "undiscovered country." The proprietor of that beast soon followed, planked down the requisite three dollars, and triumphantly marched off with the redeemed canine.

The Marshal is going after the dogs, under the ordinance, with a vigor which is fully worthy of the cause.

Eminent Unfitness.—It appears that Judge McKean has been re-appointed Chief Justice of Utah. This is no doubt a great misfortune for that Territory. McKean's career on the bench of Utah during the last four years has not been calculated to establish a character for strict impartiality, good legal acquirements or sound sense. The appointment partakes of the distinguishing characteristic of the mass of Grant's nominations, the eminent unfitness of the appointee for the office to which he is promoted. —*Pioche Record*, June 2.

A Mistake.—The men engaged by the City Marshal to destroy unregistered dogs made a most regrettable mistake yesterday. They attacked a very valuable dog belonging to Mr. H. B. Clawson, under the impression that it was not registered, because they did not observe the entry number on the padlock of the collar, which, however, was on it, together with the initials "H. B. C." Mr. Clawson very much regrets the circumstance, the dog being a very intelligent one and a very great favorite. The figures and letters were rather faintly engraved, which was the reason they were not observed by those who killed it.

More Organization.—"*L. F.*" writes from Mantua, Box Elder Co., June 4th, as follows—

"Yesterday, at 11 a.m., a meeting

was held at this place, for the purpose of organizing a branch of the United Order. The President of this Stake, Elder Lorenzo Snow, his counselor, J. C. Wright, and Elders Erastus Snow, Sen., and Erastus Snow, Jr., and the leading priesthood of the place were present. Union prevailed and all seemed satisfied and in for the Order. The following officers were each individually presented and elected—President, H. P. Jensen; 1st vice-president, J. Keller; 2nd vice-president, R. N. Jeppeson; secretary, L. J. Halling; and treasurer, P. C. Jensen. A discourse was delivered by Elder Erastus Snow, Sen., occupying about an hour and a half, in illustrating by way of comparison the working of the United Order."

A "Scrimmage."—Mr. A. A. Tanner, a young man who resides at the house of Mrs. Van Valkenburg, at Union Fort, was before Justice Richards to-day, on a charge of assault with intent to do bodily injury upon the person of a young fellow, named George Graham.

The evidence showed that Graham rode up, on horseback, to the front of Mrs. Van Valkenburg's house, where Tanner and he had a dispute, in which the first named ordered the other away, asking him, as the same time, how he (Graham) dared to come around the premises, seeing that he had had a hand in the murder of the late Peter Van Valkenburg. Tanner went into the house again, but soon returned and, Graham being still there, the two commenced assailing each other by throwing rocks. One boulder was dodged by Tanner and one from the hand of the latter brought Graham down, cutting his head very severely. Graham was picked up and taken to the house of his brother, when his injuries were attended to.

Highway Robbery.—On Thursday night a highway robbery was committed, Second South Street, by three men named respectively William Doniphan, A. Johnson and H. Gladdon. These three had secreted themselves in an alley way near the Richards building, and, as the victim of the robbery was passing, they sprang out upon him, one of them holding a pistol to his head while the others relieved him of a fine gold watch. As the three robbers ran off they were seen by a gentleman who was near by. Yesterday he pointed out two of them, Doniphan and Johnson, standing in front of the Overland House, to a couple of policemen. Doniphan ran, but was chased and soon captured by officer Alex. Burt. The stolen gold watch and chain were found on his person. The two were lodged in the City Jail, and Henry Gladdon was subsequently found by a policeman, in a saloon, and arrested also.

Owing to the indisposition of the gentleman who was robbed, it is probable that an examination will be postponed for a few days.

A Destructive Pest.—To-day Brother John J. Harris, of Centreville, brought to town and showed us some specimens of a peculiar kind of caterpillar, or grub, somewhat resembling the potatoe bug, though of darker color. They are from three to four inches in length, and some are even longer, and as thick as one's finger. Brother Harris states that they have appeared upon the ground in countless numbers, about four miles north of the Hot Springs, almost completely covering a breadth of land about half a mile in extent, and devouring everything green. They crawl up the stalks of vegetation and soon demolish the leaves and softer portions, and in a grain field they would prove fearfully destructive. Our informant states that so far as he is aware they appeared without any preliminary introduction, so to speak, and their presence was only indicated when they were seen in "full blown" condition. They cover the land over which they travel with wagon loads of excretion, resembling large black pills.

We have not heard that they have appeared in any other locality, but should they come out in other parts of the Territory as they have in the place alluded to, they may make terrible havoc among the growing crops.

FROM MONDAY'S DAILY, JUNE 8.

Tabernacle Meeting.—Elder John Taylor preached yesterday afternoon.

Returned Home.—Bishop John

Sharp got back last night, from a business trip to Boston.

Kindness.—Yesterday morning, at the Tabernacle, Brother Dunford distributed fifty copies of the "Jubilee Song Book" among the children who had not yet obtained them.

Sailed.—A private letter from Elder W. C. Staines, Church emigration agent, states that Elders Ernest Young, Brigham Young (3rd) and other missionaries sailed from New York for Liverpool, in the S.S. *Idaho*, June 2nd, all well.

Examined.—The three garroters, Donovan, Johnson and Gladden, were examined to-day, for the robbery of Mr. Kirtley. The evidence against them was very conclusive. Justice Clinton reserved his decision for a few hours.

Book and Papers.—A blank book and a number of papers have been found at the Point of the Mountain west. They evidently belong to a person named Thomson. The owner can have them on calling at this Office.

The Robbery Case.—Donovan, Johnson and Gladden, the three roughs who robbed Mr. Kirtley of a gold watch and chain, on Thursday night, on Second South Street, were to have an examination, in the police court, at four o'clock to-day.

Upon Honor.—An eating-house keeper in town has circulars out, in which he announces that his "mince-pies are made upon honor." People who have a fondness for that kind of luxury are generally very particular as to what they are made of as well as what upon.

Accident.—Last evening Mr. John Priestly, of the 6th Ward, met with a rather severe accident. One of the front wheels of a light wagon in which he was riding struck against a big boulder, throwing himself and the seat out upon the ground. He struck upon the back of his hand, his arm being extended, putting his wrist out of joint, and otherwise spraining the limb. The wheels of the wagon also passed over his body, doing him some damage, but the severest injury is that which he sustained in the wrist.

Coming Emigrants.—The second and third companies will leave here for Utah June 10th and 24th. Those who intend going by either of these companies are requested to forward their names and ages to this Office as soon as possible, and state at the same time by what company they will be prepared to go.

THROUGH FARES:

From Liverpool to Ogden	
for adults	£14 11 0
For those between 8 and 12	£ 9 13 0
Between 5 and 8	£ 7 5 6
Between 1 and 5	£ 2 7 6
Under 1	£1 1 0

Millennial Star, May 19.

The Van Valkenburg Murder.—Three other men have been arrested on a charge of being accessory to the murder of Peter Van Valkenburg. At the conclusion of the case tried before Justice Richards, on Saturday, wherein A. A. Tanner was charged with assaulting George Graham, with intent to do him bodily injury, and in which Tanner was fined \$25, the complaining witness, George Graham, was arrested for alleged complicity in the Van Valkenburg affair, and placed in the city jail.

Yesterday constable Hampton went to Union Fort and arrested John Graham, brother of the other, and then to Sandy and arrested R. Huffman, and the two latter were both brought to town and placed in jail.

Jubilee Rehearsal.—A large number of Sunday School children assembled at the New Tabernacle yesterday morning, and rehearsed, under the direction of Brother C. J. Thomas, the various songs, &c., which are to be rendered at the grand juvenile jubilee, which is announced to come off on the 24th of July. The various pieces were sung with commendable precision, indicating that the jubilee will be a genuine musical treat.

The singing of little children possesses a charm which probably no other kind of music has, and but few spectacles are so beautiful to the eye as an assemblage of little ones. In the meeting of yesterday the girls far outnumbered the boys.

Besides a number of other prominent brethren, on the stand were Presidents Brigham Young and George A. Smith, and Elders Orson Pratt and John Taylor. The lat-

ter and Assistant Superintendent of S. S. Union, George Goddard, made brief and appropriate remarks to the children.

Military and Civil.—In answer to a communication of Lieut. Col. H. A. Morrow, to the War Department, dated March 22nd, relative to the arrest of soldiers by the municipal authorities of this City, Adjutant General E. D. Townsend sends a copy of instructions from the Bureau of Military Justice, approved by the Judge Advocate General. The circular states that "hereafter no arrest or taking by the civil authorities of the person of any officer or soldier under your (Col. Morrow's) command will be considered as legal, unless such officer or soldier be voluntarily surrendered by you (or the proper commanding officer in your absence) upon an application, of the sufficiency of which you (Col. Morrow) alone must be the judge, duly made, in good faith, under the 33rd article of war; and that in the event of an arrest or seizure otherwise made, it will be your duty to liberate and return to the command, by force if necessary, the person so arrested or seized. In so doing you will be sustained by such military support as may be found requisite."

It would be exceedingly difficult to maintain peace and good order in this city and citizens and their rights be protected without arrest of soldiers being made when they commit infringements of the law. If Col. Morrow will provide for the proper restraint of the soldiers of his command when they misbehave he will do a good thing, and relieve the municipal authorities from considerable trouble and annoyance. Should this not be done, however, there seems to be no alternative but for the civil officers to place disorderly or law-breaking soldiers under proper restraint, until they are called for by the military. It would be a bad state of affairs indeed if a person, having his head battered by a soldier, had not the privilege of calling to his aid the officers of the civil law, especially if that was the only protection within reach for miles. Such a condition of things would be preposterous. The holding of the offender, however, is another matter.

Overruled.—On Saturday afternoon, after hearing the arguments of counsel on both sides, on the mandamus matter of the committee who want to make and carry away copies of the City accounts, his Honor, Chief Justice McKean, rendered the following decision—

TERRITORY OF UTAH,

Third District Court.

Courtland C. Clements } At Chambers, June 6, 1874.

vs. } Paul A. Schettler. }
This is a motion for a peremptory writ of mandamus, on the return of an alternative writ issued against the defendant on the application of the plaintiff.

R. N. Baskin for the motion.
J. G. Sutherland and Z. Snow opposed.

McKean, Ch. J. The alternative writ of mandamus, containing the following recitals and mandate, to wit:

"Whereas, it manifestly appears to us by the affidavit of Courtland C. Clements, the plaintiff, and the party beneficially interested herein, that you, as the Treasurer of Salt Lake City, in said Territory, refuse to permit the said Clements, on demand made by him on you, at your public office in said city, on the 23rd day of April last, for that purpose, to make abstracts and copies of the records of said city in your charge as Treasurer thereof, the said Clements at the time of making such demand being a tax-payer and elector of said city, and that the said Clements has no plain, speedy, and adequate remedy in the ordinary course of law:

"Therefore, we do command you that immediately after the receipt of this writ, you do permit the said Clements to make such copies and memoranda of the aforesaid records in your hands, as he may choose to make; or that you show cause before, &c., at, &c., on, &c., why you have not so done."

The defendant filed an answer alleging:—

"1. That he is, and was at the commencement of this action, Treasurer of the city of Salt Lake, in the county of Salt Lake, in said Territory, and has charge of the books and records appertaining to said office.

"2. That the alternative writ of mandamus was served on this de-

fendant by an officer; that the plaintiff was not present at such service, and no request in his behalf was then made, and none has since been made, by or for him, for access to the records and books of said Treasurer's office; nor has any opportunity been afforded the defendant to comply with the said writ since it was issued."

An alternative writ of mandamus is issued so that the party to whom it is directed, may have it in his power to prevent the issuing of a peremptory mandamus by doing the thing indicated. In the case at bar, the thing to be done required the concurrence of both the plaintiff and the defendant. That is to say, action on the part of the plaintiff and permission on the part of the defendant, were both requisite, the latter was to permit the former to make copies of certain records, after the service of the writ. But it was no part of the defendant's duty to carry those records to the plaintiff, nor to seek the plaintiff and invite him to repair to the office of the defendant and copy the records. It is clear, therefore, that the defendant has not disobeyed the alternative mandamus; and that being so, the motion for a peremptory mandamus is overruled.

NOTE. Like motions in Clements vs. Winder, and Clements vs. Campbell are also overruled.

The Doom of Polygamy.

Under this heading the telegraphic correspondent to the Chicago *Times* makes the following announcement of the passage of the Utah bill:

"The passage of the Utah judicial bill to-day, by the very large vote of 155 to 59, indicates that the fate of Mormonism is sealed. No doubt is expressed by Republican members that delegate Cannon will be expelled, when a resolution for that purpose shall be reported from the committee on elections. The debate on the judicial bill was made interesting by the able speech of Mr. Cannon, in opposition to it, and in defense of the Mormon government of the Territory. His speech was full of sharp points. He alleged that the local government of Utah does not differ materially from that of other territories, that there was no conflict of authority between the probate courts of Utah and the U. S. courts; that in the courts justice is administered to Mormons and non-Mormons impartially; that the Mormons are not averse to a congressional investigation; that their local government is both pure and cheap; that the object of this bill is to ostracise them, and give the control of the territory to persons who have done little or nothing to advance its prosperity; that the United States district attorney and marshal have been here all winter, lobbying for the bill; that if passed, it will make the office of marshal worth as much as that of the President of the United States; and that the bill, if passed, would not crush the Mormons, who might yield to reason, but could not be converted by force."

Polygamy may be doomed, and we believe it is doomed. But this bill will not doom it. It will merely keep alive by the power of persecution an institution that was before practically dead by the power of public opinion. There is more serious trouble brewing for Utah than Utah has ever before known. If this bill shall become a law, as it doubtless will become a law, and the attempt shall be made to enforce what we understand to be some of its provisions, there will be more trouble in Utah than many people anticipate.

Mr. Cannon contended for the rights of his people with his usual ability. —*Omaha Herald*, June 5.

MORMONS.—About one hundred and fifty Mormons and fifty other emigrants passed through the city yesterday, from Pittsburgh to Chicago without change of cars, via Pan Handle route. About one-third of the Mormons were healthy young English girls. The conductor took up tickets for one hundred and fifty from one man. The Mormon authorities are doing a big business in settling up this country, and do for emigration what no other class of people pretend to—pay the way of the emigrants, and send a protector with them. —*Columbia (O.) Dispatch*.