## EVENING NEW ELY, SUNDATS NOTE O'GLOCE.

PRINTED AND PUBLISHED BY HE DESERET NEWS COMPANY.

## CHARLES W. PENROSE, EDITOR.

in the argument, if not not provided the provided provide

ruling in the case of the same parties on the 5th inst., through failure to notice the amendment to the City Charter, passed February 15th, 1872. The original Charter gave the City power to license, tax, regulate, suppress or prohibit billiard tables. The Court held that because the disjunctive conjunction way in the sentence, the City had not the power to license tax and regulate, etc.; fee required that the license amounted to a tax, and that the City could not exercise both powers, they being several and separate; that if it licensed billiards, it could not tax them, and vice versa. But it is now discovered that the amendment to the Charter substitutes the word "and" in place of "or," and therefore the Court erred in its decision, but the Judge lays the blame on counsel who argued case, the attorneys on either side having failed to bring it to His Honor's notice. We were not awarc that a Judge was compelled to confine himself to the citations of law

Tuestary.April 12, 1851.CIVIC POWERS AND JUDICIAL<br/>HAIR-SPLITTING.lawful discretion considers it neces-<br/>sary to impose.The deadlock in the Senate was, i<br/>to all outward appearances, to-day, is<br/>as firm as ever, but in specially well<br/>informed circles an impression is<br/>gaining ground that it will be<br/>to all outward appearances, to-day, is<br/>as firm as ever, but in specially well<br/>informed circles an impression is<br/>gaining ground that it will be<br/>to all outward appearances, to-day, is<br/>as firm as ever, but in specially well<br/>informed circles an impression is<br/>gaining ground that it will be<br/>to all outward appearances, to-day, is<br/>as firm as ever, but in specially well<br/>informed circles an impression is<br/>gaining ground that it will be<br/>to all outward appearances, to-day, is<br/>as firm as ever, but in specially well<br/>informed circles an impression is<br/>gaining ground that it will be<br/>to all outward appearances, to-day, is<br/>as firm as ever, but in specially well<br/>informed circles an impression is<br/>gaining ground that it will be<br/>to all outward appearances, to-day, is<br/>as firm as ever, but in specially well<br/>informed circles an impression is<br/>gaining ground that it will be<br/>to all outward appearances, to-day, is<br/>as firm as ever, but in specially well<br/>informed circles an impression is<br/>sent week or at all events during<br/>the part of the republicans, either<br/>open or indirect, such as allowing a<br/>few executive sessions to be held for<br/>the transaction of uncontested busi.

and suppress" billiard tables. Here is more legal hair-splitting. This is dwelling on the letter and driving out the spirit. The evident intent of the Legislature is ignored, and verbal strictness adhered to without regard to common sense and the general priaciples of legal construc-tion. It would be quite consistent with a pettifogging fifth-rate attor-ney's plea, but is lamentable in an occupant of the judicial bench. The City, then,may tax a table, regulate a table, but not do anything with a table, but not do anything with the owner. His Honor may say, "that is according to the letter of the law." But who does not know that courts are empowered to in-terpret the law according to its spirit and intent, and to carry into terpret the law according to its spirit and intent, and to carry into effect its evident object? By this ruling the evident object? By this is defeated, and the authority em-powered to regulate these matters in the interest of the public is set in the interest of the public is set is defeated of the community. There is one thing that the City the community is accommendation to the the community. There is one thing that the City

Hunter's decision in this case. The Council can suppress billiard tables. If those who own them and derive revenue from their use will not sub-scribe to regulations made by the cribe to regulations made by the with the view of remedy

of issuing the license. Who can tell how much this should be? Can contently had no right to do so. Where does the discretion lie to contently the fore the source of the courts for consideration. The complaint way will form a control of the christian church and minist as to the amount of license for the latter does not figure. The lagranger of the courts of the control of the source of the minist as to the amount of license for the source to the source of the s

bedrooms. Some of these rooms were finished in shining mahogany, Sitting Ball Will Surronder. ST. PAUL, 12.—A Poplar River special to the *Pioneer Press* says: that McDonald, of the Canadian mounwere missed in shifting matogary, ebony or walnut. Some were hung with rich modern tapestry. All were elegant and a few were airy. But in the most of the best of them, where was the bed to stand? A bay window, perhaps, would occupy the another, a door another, a mantel plece another.—Sophy Winthrop in Christian Union.

A Strange Story.

It is easy to attribute illusions and o-called "spiritual visions" to wakng dreams and double cons ing dreams and double conscious-ness when confined to a single indi-vidual, but how will you explain them when two persons, hundreds of miles apart, are conscious of each other's presence? My mother, an unimaginative woman, who had never discovered her nerves, when in her eightleth year, was prostrated with an alarming attack of pneumo-nia. On a Sunday morning, she was unconscious of her surroundings,

McDonald is expected at Buford tomorrow.
Narved at Last.
New CITY, 12.— Hattie Duello finished starving to death at noon, after 47 days of fasting. During the 24 hours preceding her death, Miss Duello drank no water, it seeming to sicken her. Her pulse in the morning was imperceptible, respiration 35 per minute. She was able to communicate with her friends by means of her fingers, and said she was not hungry. Her last moments were very peaceful and her mind was clear.
BRIEF TELEGRAMS.
The estimated gold importation this year is, \$100,000,000.
On Sunday night Beaconsfield had another attack of spasmodic breathing. His condition is critical.
Nature of the story of the apparition.
Market attack of spasmodic breathing. His condition is critical.

immediately spoke to him in her ordinary manner, without betraying the least surprise at his being there, and said: "Well, John, you look bet-ter in that coat. I never saw such

of clothes mentioned. She could not have overheard his voice in the

house, as her hearing was impaired. Can the event be explained on scien-tific [grounds?—Montclair (N. Y.) Cor. New York Tribune.

CELEBRATED

-ALSO-

-47 118-

In the Market, also

E. M. MILLER & Co's

BUCCIES

a strange suit as that you had on fect which may exist, and of adding to the arctic regions, will go out in when you were leaning over the ed by section 70 of the Charter to its efficiency. The pet notion of the Mary and Helen, with Lieut. gate on Sunday morning." My poor brother, a man nearly sixty years of age, and not in the least supersti-tious, was yet so overcome by this double mystery that he nearly faint-ed. In this case no collusion was possible. My mother had never visited the city where my brother lived, and had never seen the suit of clothes mentioned. She could not 室堂前建 C. M. Is now Complete in its Supply, Keeping only

THE R. P.

- TIII ----

DED/

the Best Goods and selling at Fair Figures as the times demand.

In the same Section of the Building everything in

GENERAL HARDWARE TINWARE, STOVES, INFLEMENTS, TOOLS, BRUSHES, ETG., ETC., Can be found. We are prepared for a Large

Business and shall be pleased to see our friends.

WM. JENNINGS SUPT

T



A Daring Robbery.

by counsel, but were under the impression that if they failed to quote the law fully, the Court-supposed to be even more familiar with statules and authorities and principles than the members of the bar-would supply the omission and take the broadest view of the matter possible and consistent.

Second. The Court now decides that the City Council has the right to license and tax and regulate billiard tables at the same time, these powers being consistent with each other; also that it has a separate right to suppress billiard tables.

Third. That while the City has the right to license and to tax, elc., it cannot tax under the form of a license, nor license under the form of a tax, nor regulate by a license or a tax. This is hair-splitting with a vengeance. The question at once arises, is it correct? And if so, what is the difference between a license and a tax, and why may not regulaare enacted in the interest tions be issued in the shape of either or both? Judge Hunter says, "rev- public order. We greatly regret the enue is taxes." That is a peculiar course which is being taken to play way of stating the proposition. It conveys the idea that nothing else is revenue but taxes. Indeed His Honor states distinctly that licenses cannot be issued for revenue, but does not favor us with any reason or doing may soon be overcome authority for this assertion.

But it appears as a matter of fact that licenses are issued all over the civilized world for revenue purposes. This is not their primary use; it is true, They are permits granted uncertain specified conditions. And one of the main objects in view in their issuance is to regulate the business carried on under their restriction. They are granted in the spirit of control. The fact that they are made necessary in law implies regulation and restriction. The funds obtained through their issuauce, go into the treasury of the government or branch the government by which they are granted, as revenue to be used for public purposes. And what o'dec tion can there be to this?

The revenue of the United States consists of taxes, duties, customs, funds from the sale of public lands, flues, forfeitures, etc. It includes, in law, as well as in good English, the income of a person or corporation. All that goes into the treasury rectors of the U. P. Co., as its lend of Salt Lake City is therefore its tion Wardell transferred his of Salt Lake City is therefore its revenue, whether derived from fi-censes, taxes, fines, or any other source. To say therefore that taxes only are-revenue, or in Judge Hun-ter's language, that "revenue is taxes," is to misstate the principle. Taxes are revenue, but revenue is not always taxes. A mare is a horse, but a horse is not always a mare. It regation of the c flroad, as its main would be just as correct to say "a that the contract was void on ac horse is a mare," as to say "revenue

is taxes." for the company by an executive committee of its board of directors, a The revenue laws of the United States include the taxing, licensin

civic authorities, who are empowered by section 70 of the Charter to establish and execute such ordin-ances as they may deem necessary for the peace, good order, regulation, convenience, etc. of the Gity, and for the health, safety and happiness of the inhabitants thereof, then the City Council will be justified in ex-

ercising the extreme authority which His Honor admits they hold. and suppress public billiard tables altogether. No one wishes to sce measures

carried to extremities, but on the to examine minutely into all the branches and details of the postal department and submit their con-clusions in writing to the Postmasother hand parties must not be allowed to defy the municipality and disregard its regulations. The pubter General. lic will sustain its own officers in the

Not Rainey, but Ransier. exercise of all lawful powers when used for the public benefit, and

The Evening Star publishes a let-ter from a South Carolina republican correcting the widely published story courts should of right uphold the conservators of the peace and that ex-Congressman Rainey (co ald in the maintenance of ed), is at work as a common labo on the streets of Charleston. Rain laws, local or otherwise, which who is a man of fine education, of not been in South Carolina since last fall, and while there he was engaged in attending to his official duties as special agent of the Treasury De partment. He is now similarly oc into the hands of those who are fos taring in our midst the elements of cupled in New England. The Star's disorder, and trust that, as in the correspondent adds: The dispatch, case of others who have taken a no doubt, refers to ex-Lieutenant case of others who have taken a Governor Ransler, who was a mem-ber of the Forty-third Congress from Charleston district. After being de-Teated for every office in the repub-lican party for which he came up, from the lieutenant-governorship similar course, their rule may be brief and the effects of their wrong-

BY TELEGRAPH. AMERICAN.

A U. P. Logal Victory.

g Co

the position of common laborer up-on the public streets, and daily may be seen plying that humble avoca-WASHINGTON, 12.-In the Su-preme Court to-day, a decision was made in the case of Thos. Wardell, appellant, vs. the Union Pacific R.R. Co., et al., an appeal from the Cir-cuit Court of the United States for Another Mrs. Brown. Another story, which has obtain ed extensive circulation, that the widow of John Brown, of Harper's the District of Nebraska. On the 16th of July, 1868, Oliver Ames, Pre-sident of the Union Pacific R. R. Ferry, was last week a seeker for as-sistance at the Executive Mansion, is to day set at rest by the discov-ery that the Mrs. Brown in question is a widow of John P. Brown, who Co., acting by direction of the ex-ocutive committee of the board of directors, entered into a contract

with Wardell and others by which is not known to have been a martyr or anything else in particular, ex-cept a government interpreter in some western region, not yet speci-fied. the latter were empowered to occupy and work, upon extremely unfavora-ble terms, the coal lands belonging to the company along the whole line of the latter's road. Shorily there after a stock company, under name of the Wyoming Coal

PIOUS EPISCOPALIANS weined over the "Twin Relie," "Foul Blot," Etc., Etc.

stockholders. To this corpora And Resolve Certain Things. NEW YORK, 12. — The Tribunc ays: At the New York Episcopal conference yesterday a report on di-force and polygamy was read. The eport states that divorces were ob-

ained on the most frivolous pre-exts. In New England the proper ion of divorces was one to divor divorces were wined that th to be di

ances of the marriage tie were the direct outgrowth of the proceedings of ungodly just, seeking for new af-finities. The report concluded: While we admit the right of sepaount of fraud; that it was executed right of sens.

Walter Stanley, an eminent engineer, of Montreal, declares practi-cable a tunnel under the St. Lawrence, to be used by six lines of railway.

Rainey, colored, who was lieuten ant-governor and member of Convince of the commission to enquire into the efficiency of the clerical force of the department and recom-mend for dismissal incompetent of-ficials and the strengthening of the force by increasing it if needed. In short the duty of the commission is to examine minutely into all the gress from South Carolina, is work-ing faithfully on the public streets as a laborer.

Menito, a town of 12,000 inhabitants, and the villages of Monastir, Virinos and Philatia, Chio, are masses of ruins; not a single house escaped.

Shiek Obddallah has invited a number of Turkish chiefs to be ready to invade Persia next month. The Porte is taking steps to prevent the invasion.

A vessel was seen on fire from Cape Cod on Sa'urday, but owing to the darkness her class could not be discovered. She looked like a two nasted steamer.

The trial of the case of L. & W Welch, sugar importers, against Col-lector Merritt, began to-day, in the United States Court, before Judge Wallace and a jury.

The British ambassador has in-formed the Porte that he holds it responsible for the safety of Sutre and the payment of the ransom de manded by the brigands. to that of contractor for chimney.

weepings in the city of Charleston Ransier threw his fortunes in with Handbills are circulated in Lon-don offering £300 reward for the let-that Bismarck wrote to Granville, instructing the English government to prosecute the *Freiheit*. the democratic party and supported et," in 1876. This is his reward. He has been appointed by the demo-cratic administration of Charleston to

A. B. Daniels, a fifty-niner, vice-president of the Colorado National Bank, and director of the Denver and New Orleans Railroad, died sud-denly last night of heart disease.

Advices from Tripoli confirm the report of the massacre of Colonel Flotter's expedition. Every French-man perished, after courageous resistance against overwhelming

Emile Lundhumer, a travelin salesman of Shreveport, La., and president of the Louisiana Lodge of I. O. O. F. 107, committed suicide in San Francisco yesterday by shoot-ing himself.

Gov. Tarrassas, of Chihuahua, has stationed 500 Mexican troops at El Paso, anticipating trouble between natives and Americans when the railroad gets further into the in ior of Mexico.

Concerning Bedrooms.

THEIR PROPER VENTILATION AND

THE EFFECT ON THEIR OCCU-PANTS.

A physician was lately called to rescribe for a young lady who live-one of the most charming villas in ng the matter with h

headaches." Every mornin awoke with a headache, and i arly half the day. It had b going on for m

ly ask the Public to sail and

## WATSON BROS. FOR BALE. Thurlow Weed suggests the pro-priety and necessity for a subscrip-tion for the relief of sufferers in Chio and begins the contributions with one of \$500. STONEGUTTERS IND BUILDERS TUMBSTONES, MONUMENTS, MARBLE MANTLES, IRON MANTLES, ORATES, & HEARTH-STONES. 人生生制度的 化结构 化过度制 locth side of South Temple Street. little East of Engle Gate. W. L. PRICE. DRALMR IN Fish, Poultry & Game, FRUIT, VEGETABLES & GROCERIES. Pit, Gaug, Mill, Cross Cut, One Man ATRO Rip, Hand, Panel, Back, Com-FLOUR, GRAIN, HAY & SEEDS. pass, Pruning, Kitchen, Pirst South Street, opposite Kimball Block, Salt Lake City, No. 1257. and Butcher Saws In great variety. For sale by Goods delivered punctually in all parts C. M. JAKE HEUSSER. ALL KINDS REMOVED TO No. 0 PRINTING MAIN STREET. Where he will conting to keep a Fell Stock BERCUTED IN THE HIGHEST STYLE OF THE ART. Guns, Pintola. Ammunition

BED ROCK PRICES CUTLERY OF ALL DESCRIPTIONS. DESERET NEWS OFFICE ALSO DRALER IN CICARS & TOBACCO

137 139 MAIN ST., L. L. CETT.

MALQUIST. JOHN MALOUIST. Spring Wagons

3. MALQUIST.

