

FROM THURSDAY'S DAILY, DEC. 1.

## From New Zealand.

Elder William Gardner, of Pine Valley, Washington County, left home in April, 1884, on a mission to New Zealand, and reached this city on Wednesday, on his return home. An idea of the condition of the work in that field may be obtained from the District Conference report which appears in another column. There are 42 branches of the Church among the Maoris, and twenty-seven Elders from Zion are laboring among them. All enjoy good health and the spirit of their calling.

Elder Daniel Haight, who returned in company with Elder Gardner, left his home in Cedar City, Iron County, in January of the present year, and labored in Waiapu district.

## THE FORFEITURE SUITS.

Judge E. T. Sprague Appointed Examiner.

PERMISSION ASKED TO PLANT SUITS AGAINST THE RECEIVER.

A session of the Territorial Supreme Court was held at 8 o'clock last evening, the three judges being present. After the reading of the minutes of the preceding session, Judge Zane announced the appointment by the court of William Zabriskie, of Mount Pleasant, Sanpete County, as United States Commissioner.

District Attorney Peters stated that the answer in the Church cases disclosed the fact that some of the property was held in trust by Theodore McKean, and asked that he be made a party defendant.

Mr. Young stated that it had been supposed that the whole of the Gardo House had been transferred to the three trustees by Mr. McKean, but through a misunderstanding that had not been done, though it was the intention to do so. He thought it would be better to have Mr. McKean make a deed for the part omitted to the trustees. Mr. Young did not know where Mr. McKean was. If his suggestion was adopted, a supplemental answer to cover that might be made.

Mr. Peters insisted on Mr. McKean being made a party defendant, and the Court so ordered.

Court (to Mr. Peters)—Have you filed your replication?

Mr. Peters—Yes, sir; they were placed with the clerk last Friday.

The documents are four in number, and the matter contained in all is substantially the same, with the exception of a change in the title of the answer to which each is directed. The four are directed: One to the answer of the Perpetual Emigrating Fund Company and its officers, another to that of the late corporation of the Church of Jesus Christ of Latter-day Saints, still another to the answer of Wilford Woodruff, Lorenzo Snow, Erastus Snow, Franklin D. Richards, Brigham Young, Moses Thatcher, Francis M. Lyman, John Henry Smith, George Teasdale, Heber J. Grant and John W. Taylor, and the fourth to the answer of William B. Preston, Robert T. Burton and John R. Winder. The latter is as follows:

IN THE SUPREME COURT OF THE TERRITORY OF UTAH. No. .... OF..... TERM.

In Equity.

United States of America, plaintiff,

vs.

The late corporation of the Church of Jesus Christ of Latter-day Saints, and John Taylor, late Trustee-in-Trust, and Wilford Woodruff, Lorenzo Snow, Erastus Snow, Franklin D. Richards, Brigham Young, Moses Thatcher, Francis M. Lyman, John Henry Smith, George Teasdale, Heber J. Grant and John W. Taylor, late Assistant Trustees-in-Trust of said corporation, defendants.

Replication of the United States of America to the joint and several answer of William B. Preston, Robert T. Burton and John R. Winder.

The plaintiff, the United States of America, by George S. Peters, United States Attorney in and for the Territory aforesaid, who files this replication by direction of Augustus H. Garland, Attorney General of the United States, says:

The plaintiff, the United States of America, saving and reserving to itself all and all manner of advantage of exception, which may be had and taken to the manifold errors, uncertainties and insufficiencies of the answer of the said defendants, for replication thereunto says:

That it does and will aver, maintain and prove its said bill of complaint to be true, certain and sufficient in the law to be answered unto by the said defendants, and that the answer of the said defendants is very uncertain, evasive, untrue and insufficient in the law to be replied unto by the said plaintiff; without that, that any other matter or thing in the said answer contained, material or effectual in the law to be replied unto, and not herein and hereby well and sufficiently replied unto, confessed or avoided, traversed or denied, is true; all which matters and things the said plaintiff is ready to aver, maintain and prove as this Honorable Court shall direct, and humbly prays as in and by its said bill it has already prayed.

Geo. S. PETERS,

U. S. Attorney for Utah Territory.

Mr. Peters moved for the appoint-

ment of an examiner in the cases against the Church and the P. E. Fund Co., under rule 67 of the Chancery Practice. He would suggest the appointment of Judge Sprague.

Mr. Young—We have no objections. Court—Let Judge Sprague be appointed.

Mr. Young suggested that the rule referred to did not apply in this court, and if there was any objection to it, the defense did not desire to waive any of their rights in this regard.

Mr. Rawlins suggested that if the Court was to be governed in its practice as a United States court and not as a Territorial court, it would be well to have that understood. There was a statute of the United States which allowed parties to sue the receiver without the permission of the court.

Judge Boreman—Is it not late in the day to raise the question? Mr. Rawlins—Not at all. We do not want to be taken advantage of.

Mr. Clark—You will have to take chances on that.

The Court held that the United States chancery practice should prevail.

The examiner was also empowered to select a stenographer.

Mr. Rawlins asked the Court to make a general order allowing interested parties to bring suits against the receiver, in accordance with the law as passed at the last session of Congress, and without special permission of the Court.

Mr. Williams (suddenly)—Is that a United States law?

Mr. Rawlins—It is.

Mr. Williams—I object on the part of the receiver to such an order. Why, he might be harassed by any number of vexatious suits. A presentation, on notice, of the claims of any case to be brought should be made to the court, and the receiver have right to be heard. The Court will want to see whether its arm, or the Court itself, may be sued before another court. Questions as to property which he holds should be heard before the court which appointed him. This application should be denied. I apprehend the power of this court would have to be used to revoke such an order and to remove injunctions that might be placed upon the receiver.

Mr. Sheeks—The policy of the law is indicated by the act of Congress, which allows the bringing of suits, without special permission of the court. The presumption is that parties will not bring vexatious suits. This court is not always in session. The receiver may take property to which he has no right. I take it, these courts will not issue injunctions against the receiver unless there is cause, and the gentleman on the other side need not be so scared as to that.

Mr. Williams thought the court would be in session sufficiently frequent to attend to all business. The leave asked for was unusual and out of the ordinary practice.

The Court consulted for a short time, and then announced that the matter would be taken under advisement.

Mr. Rawlins—We will furnish a copy of the law to the Court in the morning.

Judge Zane—The court will adjourn over to December 17, and if in the meantime it is necessary to institute any suits against the receiver, application may be made to the Judge of the Third District Court—the Chief Justice.

This closed the business relative to the Church suits, and Mr. Williams moved the admission to the bar of the Supreme Court of Charles Baldwin, Jr., and Charles B. Jack, both of whom had been admitted to practice in the Iowa Supreme Court.

Chief Justice Zane—Let them be admitted by subscribing to the required oath.

Both gentlemen took the court oath and were admitted.

The Court then adjourned to Saturday, December 18th, 1887 at 8 p. m.

The permission asked for by the defendants in the Church cases is precisely the same as that which was readily granted to the receiver upon the application of the plaintiff. The law referred to by Mr. Rawlins was approved March 3, 1887, (chapter 373,) and the section is as follows:

"Sec. 3.—That every receiver or manager of any property appointed by any court of the United States may be sued in respect of any act or transaction of his in carrying on the business connected with such property without the previous leave of the court in which such receiver or manager was appointed; but such suit shall be subject to the general equity jurisdiction of the court in which such receiver or manager was appointed, so far as the same may be necessary to the ends of justice."

FROM FRIDAY'S DAILY, DEC. 2.

## Rudger Clawson Pardoned.

I gives us pleasure to announce the fact today that President Cleveland has acted promptly and favorably upon the petition for the pardon of Rudger Clawson. It will be seen by a dispatch in this issue that action was taken in the matter today.

## St. Johns, Arizona.

From a correspondent we learn that the settlers at this place have labored under great disadvantages, but that their prospects are now good. This is the first year in which they have raised good crops. Their reservoir is a success. Scarletina and diptheria have made their appearance in the town

lately, and steps have been taken to establish a quarantine. The town site has been filled up by the Probate Judge, and the settlers will soon receive titles to their lands.

## Cases Ignored.

The grand jury at Ogden reported to the First District Court yesterday that they had ignored the following cases: U. S. vs. Elihu Pettingale, unlawful cohabitation.

The People etc., vs. Mansfield L. Snow, libel.

The People, etc., vs. Eli Pierce, libel.

U. S. vs. Abram Hellam, unlawful cohabitation.

U. S. vs. G. F. Hampson, unlawful cohabitation.

U. S. vs. Alvin Nicholls, unlawful cohabitation.

## Probate Court.

In the Salt Lake County Probate Court yesterday, an order was made appointing time and place of settlement of the executor's third account, in the matter of the estate of William Jennings, deceased.

In the matter of the estate of Robert L. Campbell, Frank Y. Taylor, George H. Taylor and George Romney were appointed appraisers of the estate.

In the matter of the estate of Heber C. Kimball, deceased, Ashbel D. Woolley having filed a petition asking that the administrator of said estate be authorized to take steps to complete title of certain property, an order was made appointing time and place for hearing said petition.

## Third District Court.

The following business was transacted before Judge Zane today:

M. H. Lipman vs. A. W. Moore; motion to dismiss and motion for new trial submitted yesterday; defendant given till Monday at 10 a. m. to engross statement, or motion will be disposed of without it.

J. W. Burroughs vs. Lillie Burroughs; default of defendant and decree of divorce granted on ground of desertion.

F. Ephraim vs. U. P. R. R. Co.; demurrer to complaint sustained.

Elijah Sells et al. vs. F. R. Madeira et al.; defendant Madeira asks to file amended answer; objected to and allowed; case argued and submitted.

## Edward Randolph.

Dr. R. H. Randolph, whose address is Cuba, Republic County, Kansas, desires information relative to his half brother, Edward Randolph, who is supposed to be in Utah. Edward's father gave him to a man named Seth Taft, after his mother's death, which occurred when Edward was very small. Shortly after receiving the little boy, Mr. Taft became a Latter-day Saint, and Dr. Randolph thinks he came to this city, and that he was from near Niles, Michigan.

This Mr. Taft is probably the same person who was formerly a prominent citizen of this city. Perhaps some of his relatives or acquaintances can give Dr. Randolph the information he desires.

## The U. P. and Taxes.

At the request of the Union Pacific Railway an injunction has been issued restraining Carbon County, Wyoming, from collecting taxes for 1887 from the railroad company. The reason of the issuance of the injunction is that the county assessor has failed to comply with the law in not describing the property taxed and indicating the valuation put on it. He simply "jumped" the whole lot and sent a notice to the company to the effect that its taxes for the year amounted to \$17,000. Under the old management the company paid the sum without objection, but Mr. Potter's method will allow of no such free-and-easy way of doing business, and through the neglect of the county officers may not have to pay anything this year. The case is to be tried at Evanston on February 1st, next.

## Consigned to a Distant Prison.

On the 1st inst. U. S. Marshal Baird of Idaho accompanied by Deputy Hobson, went east over the Oregon Short Line and U. P., having in charge Joseph H. Byington and A. G. Green of Menan, Sidney Weeks of Lyman and W. Severns of Montpelier, Idaho, whom they were taking to Sioux Falls Penitentiary for the crime of living with and acknowledging their wives. All these brethren are sentenced to three years and six months, except Brother Weeks, who gets a straight three years.

They were all in good health and buoyant spirits, except Brother Severns who is quite ill, yet is now some better than he has been in the Blackfoot jail.

Efforts have been made to get a pardon for Brother Severns on account of his ill health, but so far they have not succeeded.

## Drowned.

Two little children of James Doran, who formerly resided at Albion, in attempting to cross Little Wood River, four miles west of Shoshone, Idaho, one day last week, fell into the stream and Emily, aged six, was drowned. Frank, a sturdy boy about four years old, was carried down about twenty rods and crawled on a rock in the river, where an hour after he was rescued by his mother. The little hero held a piece of rope which

he had accried, and when he saw his mother coming said, "Get a long rope, mine is not long enough." When the rope was brought and thrown to him he caught it the first time, and called out, "Don't let go, mamma." As he let go of the rope he went under the water but still clung to the rope and was pulled ashore. After two hours' search the body of his little sister was found held by the willows and grass in deep water. The sympathy of the community is extended to the bereaved parents.—Shoshone Journal.

## Under the Edmunds Law.

In the First District Court at Ogden, on Wednesday, Jens Hansen was convicted of unlawful cohabitation. The attorneys for the defense gave notice of a motion for a new trial, which will be heard on Dec. 10.

Yesterday, in the same court, Mark Bigler was acquitted of a similar charge.

The trial of Jens Peterson, of Huntsville, Weber County, for unlawful cohabitation, was in progress at the time of adjournment last evening.

The Eagle Rock Register of Nov. 26 records the following cases:

United States vs. J. C. Atkinson; adultery; plea of not guilty. Jury impaneled; verdict of guilty.

United States vs. Jas. Byington; adultery; jury impaneled; verdict of guilty.

United States vs. A. S. Anderson; unlawful cohabitation; a promise of good behavior and obedience to the law in the future causes a suspension of sentence.

United States vs. Joseph Byington; unlawful cohabitation and adultery, has no promises to make; thinks it is his belief that if he obeys the law he would condemn his soul forever. Gets six months for unlawful cohabitation and three years for adultery. Removed to prison at Sioux Falls, Dakota.

## Hints to Correspondents.

Many of our correspondents forget the rule which requires manuscript designed to be put in type, to be written on one side only of the paper. In many newspaper offices communications written upon both sides of the paper are thrown into the waste basket for that reason alone, without a glance at their contents. Take ordinary letter or note paper, cut the sheets in two, write on one side only of the half sheets, numbering the written pages consecutively. Write with pen and ink in preference to a pencil, and bear in mind that your manuscript has to be read by the compositor at a considerable distance from his eyes, hence he is grateful for a large, legible handwriting.

In all newspaper offices there are two departments—the business and editorial—and communications designed for both should never be enclosed in the same envelope; especially should they never be written upon the same sheet. If missionaries, Stake clerks, and all other correspondents who favor us from time to time with communications, would bear in mind the above suggestions, much time and labor would be saved to this office and errors would be avoided.

## A Rash Statement.

District Attorney Peters, in a speech before the jury in the Box case, declared that the plural marriage of the defendant was in defiance of the law of God—the expressed command of man's Maker.

How does the learned and gentlemanly attorney know so much?

We believe that even a more aspiring theologian than Mr. Peters once made a similar statement, but was woefully defeated in a debate on the subject.

Plural marriage is against the laws of the United States, and contrary to the general sentiment of this august nation. For these reasons it is punishable by heavy penalties.

But unless the efficient district attorney has received a special revelation, we must remind him that he will find difficulty in obtaining citations which can preponderate over the Bible authorities supporting the other view.

Polygamy is a crime—made so by statute, but not by the Holy Scriptures.

Let us not misunderstand the situation, Mr. Peters. You are convicting men under a very sufficient law of our country in the courts of our country; but when you come to invoke the law of God you should remember that no tribunal on earth has the right to try the cause and pass the final judgment.—Ogden Herald.

## Three Trains Wrecked.

The Anaconda ore train, which left the Butte depot at 6:45 o'clock this morning, became uncoupled near the Blue Bird mill, and as soon as the accident was discovered a train man was sent back to signal the Montana Union passenger, which was due there in 20 minutes. The passenger train was stopped all right, and its brakeman went back to signal the Utah & Northern freight which was to leave Butte ten minutes after the passenger. As the track was slippery as glass from the heavy frost on the rail, the engineer of the freight could not stop his heavy train on time and conductor West seeing the train bearing down upon them, rushed through the coaches and ordered the passengers to jump for their lives. A second later the heavy locomotive of the freight struck

the rear end of the last coach, crushing its way half through it and raising it on top of the locomotive. While the railroad employes were trying to store order out of the chaos that prevailed, another freight, which had been signaled, but could not be brought to a dead stop, came down upon the scene, and made a wreck of the caboose of the freight which had telescoped with the passenger. Conductor Frank M. was badly bruised about the head and shoulders, and had his spine injured, and several other trainmen were more or less injured. The engine which struck the passenger was brought back to Butte with coach still on top of it, and the cars of the passenger train proceeded on to Garrison.

The presence of mind and prompt action of Conductor West alone prevented a most frightful accident—accident which would have resulted in the instant death of everyone in the rear passenger coach, and the serious injury of all who were on the train. Butte Inter-Mountain Nov. 30.

## Senior's Sorrows.

The preliminary examination in the charge of grand larceny against Wm. Crowther and his daughter, Mr. Senior, came up before Commissioner Norrell yesterday afternoon. The complaining witness, Ed. Senior, married to Miss Crowther some time since. Their family relations were the most amicable; in fact they were just the opposite. Mrs. Senior had decided to go back to her pa, and taking up her bed, and the best of household furniture, departed from her husband's home. Mr. Senior made a demand for the return of the goods but this being refused, instituted proceedings against his wife and family in law.

Commissioner Norrell listened to testimony in the case, and did precisely what Justice Pyper did on former hearing—dismissed the charge against the defendants. The examination of Mr. Senior, the complaining witness, was a picnic. He began crying and declared that he was a heavy broken man. Then he sprang toward Mr. Crowther, and, with an oath, claimed, "You have been the cause of all this." He also struck a fierce blow at Mr. Crowther, and missed him, came very near hitting Attorney Critchelow. Bailiff Reckhart seized Mr. Senior by the back of the neck and brought him to his seat in short order. A few moments afterward, Mr. Senior arose to make another attempt, but the athletic bailiff summarily checked him.

Last evening the enraged husband took further steps to get hold of his furniture, and instituted an action against his wife. As a result, Dep. Pratt took the goods in his custody about 10 p. m., and will hold the pending an adjudication of the question of ownership.

FROM SATURDAY'S DAILY, DEC. 3.

## Third District Court Today.

Elijah Sells et al. vs. F. R. Madeira et al.; judgment for plaintiff; fifteen days' stay allowed.

John Strickley vs. Howland & Etina Tunnel Company; default judgment for sale of attached property.

Charles F. Jones vs. Joseph Baugarten; on trial before the court.

## Mesa City.

A correspondent of Mesa City, Arizona, writes: "We have just had one of the finest rains we have had in country for years. The health of people is good, with the exception some sickness amongst children. Bishop Pomeroy's daughter has been very ill, but is now improving." Letter was dated Nov. 28th.

## Court at Ogden.

In the First District Court at Ogden yesterday, the trial of Jens Peters of Huntsville, resulted in a conviction of unlawful cohabitation. He will be sentenced Dec. 10.

C. B. Robbins was tried for living with two wives, but was acquitted. Francisco Durfee was being tried a similar charge when the court adjourned.

## Completed.

Some time ago a notice appeared in the News of a new two-story building in course of erection at Draper, in county, designed as a store and hall entertainment. The building was nearly completed yesterday as to the interior, and a social gathering there last evening devoted mainly to dancing. It was learned from a gentleman just in from that place that the structure in question is not a co-operative building, but has been erected by Mr. David Rideout as an individual enterprise.

## Discharged.

Yesterday at Beaver, an Indian known as Pant was given an examination before Justice Fennimore on charge of murdering an Indian. Pant's wife was the only witness, and her testimony was excluded on the objection of Mr. Denny, the Indian's attorney. As she was the lawful wife, she could not be legally compelled to testify. She said the Indian came to his death by whooping cough but it is the general opinion that he was killed. The Indian was discharged.