is certainly more popularly widespread. Taking the subject all in all, it is one of great interest, and fraught with perilous consequences.

It is as clear as day, that if during the trial no actual connection between the condemned men and the crime committed in the Haymarket meeting was formed, as was evidently the case with a number of them, the judiciary should have prevented the present pretty pass of affairs. As it is, that department has put the responsibility upon the shoulders of executive authority, which is thus placed between two blazing fires of popular feeling. Governor Oglesby is in the position of a man sitting upon a keg of powder with a couple of fuses burning rapidly toward the explosive material. It appears only to be a matter of choice as to which fuse he elects as the one that will reduce him to fragments.

The latest advices from Chicago, received since the foregoing was penned, are to the effect that there is a stampede in favor of the petition for pardon. This has caused consternation among the police force.

THE RECEIVERSHIP DECISION.

In this issue we place before our readers the decision, rendered on Saturday evening (Nov. 5th), by the Supreme Court of Utah in the matter of the application of the attorneys for the government, in the suits against the Church, for the appointment of a receiver to take charge of the property of the Latter-day Saints as a religious body. It was generally anticipated that the result of the application would be as it is, not that it could be so on the slightest foundation of right, but simply because of the identity of the people whose property rights are thus ruthlessly and unwarrantably assailed.

The Court, in its decision, wades through a mazy labyrinth of sophistry before the main point at issue is reached—the appointment of a receiver to take charge of the property in dispute. Probably more than half the document is devoted to an attempt to show the right of Congress to summarily wipe the corporation of the Church out of existence. Placing it in its real light, there is an endeavor to show that Congress has a right to impair the validity of a contract; To hold that it has is to assert the superiority of that body over the Constitution, which prescribes the limit of legislative, judicial and executive power, and expressly forbids any of these departments to perform any such act. It is folly to assert that the granting of a charter to a corporation is not a contract entered into between the grantor and the grantee, and if the former does not reserve the right to annul it must stand until the consent of the other party is given. Of course there is an effort to show that Congress was not a party to the contract, but this position is untenable, because on the legislative side there was a duality, consisting of the Territorial Legislature and the Congress of the United States. It was competent for the local law-making body to enact, but the measure could not stand unless it was submitted to the Congress, that it might have an opportunity to disapprove if it was so disposed, and the failure to take that step has the full force and effect of an approval. This being the case, Congress as well as the Territorial Legislature was a party to a contract whose validity may not be constitutionally impaired.

Much labor is expended by the court to explain that the powers granted in the charter are extraordinary. Suppose this were, for the sake of argument, to be admitted, the fact would afford no justification to wipe the whole of it out of existence. If there are any portions of it that can be shown to be unreasonable, they are the only parts that can be justly subjected to the process of nullification, while the remainder may not be properly interfered with. The instrument itself provides that its powers must be exercised agreeably with the Constitution and the laws enacted under it.

The attempt of the Court to show that a right was given by the incorporation ordinance to provide for the regulation of the affairs of the Church in relation to fellowship was dangerous, is disingenuous and absurd. It is merely emphasizing by law an inherent right of churches to be the judges of what shall constitute fellowship, or conduct that will be sufficient to render its members liable to expulsion by excommunication. The right was not long since exercised by the Catholic Church in reference to the noted Dr. McGlynn.

Even if the reasoning of the Court should on the first division of the subject with which it deals be deemed proper—we do not, however, admit this for a moment—it would form not the most slender justification for the action of wresting property by confiscation from the hands of its owners. No sophistical apology, no matter from whence it emanates, can justify such a high-handed and dishonest proceeding. The fact that a government and not an individual is the perpetrator only makes the matter assume a more sinister aspect, because of the alarming departure from its specific duty o

a great protective body whose noble function is to shield the citizen from so palpable a wrong.

It is insisted by the Court that the corporators must have accepted the charter with the understanding that the law-making power held the right, when deemed expedient, to annul it. This is a rather bald claim, seeing that the Legislature made no provision for the establishment of such an understanding or belief. This would have been a matter of great simplicity—by the insertion of a clause to that effect. The ordinance does not embody any such proviso, and how, therefore, could the incorporators gain the understanding which the court so flatly asserts they must have possessed? This position will be admitted to have no small weight when it is considered that the general custom in granting charters is to make the reservation of the right to annul. If it is a principle of law that such a reserved prerogative should always be understood, what necessity is there to include it in the enactment? If such is an understood principle, then its insertion is a superfluity. It seems reasonable that the legislative department inserts it on three grounds—(1) That it does actually reserve that right. (2) That it takes this method of making the fact known to the corporators (3) That it is thus made a part of the contract. These being the evident reasons for the insertion, those for the omission must be exactly the opposite.

We have already stated, however, that the burden of the introductory and larger portion of the document under consideration was indirect in its relation to the point at issue—the application for the appointment of a receiver. If that part is flimsy, the concluding portion is still more attenuated. It is not difficult to show this, for the decision speaks in that regard for itself. The Court endorses the following claim of the attorney for the government:

"That since the 19th day of February, 1887, there has been and is no person lawfully authorized to take charge of, manage, preserve or control the property, real and personal, which on or before the day and year last aforesaid was held, owned, possessed and used by the corporation of the Church of Jesus Christ of Latter-day Saints, and by reason thereof all the said property as referred to in the third paragraph of this bill is subject to irreparable and irremediable loss and destruction."

Passing over the fact that that the property in question is in the hands of the legally appointed agents of the genuine proprietors, the statement of the claim of the plaintiff to the contrary notwithstanding, the awful predicament of the government is terrible to witness. What fearful, convulsive throes must shake its gigantic frame at the bare contemplation of the property on which it proposes to place its capacious grasp going to waste and suffering irremediable loss not susceptible to repair! The situation is rendered still more pathetic when it is considered that the government has no proprietary rights in the premises any more than the dwellers on the Fiji Islands or any other remote portion of our globe have.

In the citing of authorities the Court was glaringly unfortunate and absurdly inconsistent. In support of this allegation let the reader peruse closely the solitary quotations from High on receivership. We reproduce here the introductory one:

"The modern English practice allowing the appointment of a receiver before answer in cases of emergency, was adopted by the English Court of Chancery and has been generally followed in this country. And it may now be regarded as the uniform and well-established practice to entertain the application and to grant the relief before answer, *where plaintiff can satisfy the court that he has an equitable claim to the property in controversy, and that a receiver is necessary to preserve it from loss, or where a clear case is shown of fraud and imminent danger unless the relief is granted.*"—*High on Receivers, 2nd ed.. sec. 105.*

We assert, without fear of successful contradiction, that the plaintiff not only has not shown nor can it exhibit such reasons as are defined in the italic portion of that authoritative quotation. It is totally inadequate for the government to show an equitable claim to the property in question, for it has no proprietary rights in the premises. Had the government simply dissolved the corporation and distributed its property to those who contributed it and to whom only it belongs, there might have been a color of justification for the proceeding. But when it ruthlessly seizes it, independent of the constitutional property rights of the possessors, it perpetrates an outrage not only unworthy of its high calling, but harmonious only with the measures enacted and enforced in despotic systems of rule.

The *Blacksmith and Wheelwright* says that a very good way to anneal a small piece of tool steel is to beat it up in a forge as slowly as possible, and then take two pine boards and lay the hot steel between them and screw them up in a vise. As the steel is hot, it sinks into the pieces of wood and is firmly embedded in an almost air-tight charcoal bed, and when taken out cold will be found to be nice and soft. To repeat this will make it as soft as could be wished.

FROM THURSDAY'S, DAILY, NOVEMBER 2.

Threatened Strike.

A dispatch from Omaha, October 31, says:

The switchmen employed in the various yards here threaten to strike unless Yardmasters Meehan and Tighe, of the Union Pacific yards, are removed. They allege that both men are habitual drunkards and incompetent and grossly abusive to the men who work under them. Grand Master Monaghan, of the Switchmen's Mutual Aid Society, today had a conference on the subject with Mr. Blickensderfer, superintendent of the Nebraska division of the road, and Mr. McClintock, terminal agent of the Burlington and Missouri lines. A number of witnesses testified, and a decision is expected some time during the present week.

A Nasty Case.

Yesterday afternoon, John R. Roberts, who has resided in the Fifteenth Ward for a number of years, was brought before Commissioner Norrell on the charge of forulcation, and the examination was postponed till today. Roberts is 45 or 50 years of age, while the girl, Alice Lasham, is but 15. The family in which the girl resided—her mother being dead—recently had reason to suspect that something was wrong, but she stoutly denied it until further concealment was impossible. After the prosecution was commenced both parties confessed that the intimacy had existed for more than a year past. Roberts escaped punishment by marrying the child, for such she is, this morning, Captain Greenman performing the ceremony.

Charged with Riot.

Commissioner Norrell's time to-day was occupied in investigating a charge of riot made against Mrs. Anna Marks and three men in her employ, Williams, Cook and Reese. Mrs. Marks formerly kept a store in this city, but recently has been engaged in business at Eureka, Juab County. The trouble grew out of Mrs. Marks and Mrs. Tomkins—or rather W. H. Culmer, of this city—claiming the same piece of ground, which both tried to occupy. The evidence for the prosecution indicated Mrs. M. to be a "terror," who had a reputation of having "already shot three men," while the testimony for the defense was a flat contradiction of those allegations. The case was in progress at the time of our going to press.

First District Court.

Before Judge Boreman, at Ogden.

D. P. Tarpey vs. F. Hyland and H. Loses; motion to increase the amount of damages overruled.

Rosenheim, Lewis & Co. vs J. J. Brewer et al; judgment for plaintiff by default, and the case referred to the clerk to compute the interest.

Ogden City vs. James Middleton. The court held that the complaint in this case was insufficient and did not charge any offense under the city ordinance. The defendant was discharged.

Richard Peters vs. Christ. Peterson; continued for the term.

Elizabeth Blodget vs. Polly E. Barker; defendant allowed fifteen days in which to answer.

Nathan Stein vs. George G. Griffith; trial in progress.

Shot in Self-Defense.

An extra of the Wind River *Mountaineer*, under date of Lander, Oct. 27, brings the following sensational intelligence:

This forenoon, about 11 o'clock, Charles Lacey, better known in this and the adjoining sections as "Broncho Charlie," was shot and probably fatally wounded by Hugo S. Miller. The trouble which led to the tragedy antedates today's shooting some five months, at which time the two men were employed as ranch hands by R. H. Hall on the Little Popo-Agie. Miller, according to his own story, suffered many indignities and much ill-treatment at the hands of Lacey, and finally left the outfit and came to Lander, where he has since resided. On Saturday last Lacey came to this city and put up at the hotel where the object of his former persecutions was stopping, even going so far as to take possession of Miller's room and bed without leave or invitation. The following Wednesday evening Miller discovered the loss of some article of clothing, and, seeking and finding Lacey, accused him of the theft. Hard words followed, but the men separated without coming to blows. This forenoon, as Miller was crossing the foot bridge on Main Street next the Bridge saloon, Lacey stepped out of the place run by Jack O'Neal and halted him. Before half a dozen words had been exchanged Lacey drew two guns, 42 calibre, and covering Miller with one began a murderous assault with the other, striking his victim on the head repeatedly and felling him to his knees several times. Miller managed to elude the last terrific blow aimed at his blood-besmeared face, ran sideways a dozen feet, turned and sent a ball from his then drawn 45-calibre revolver in his adversary's direction, the missile passing into and through the fleshy part of Lacey's left forearm, glancing thence and entering his side between the fourth and fifth ribs, cutting its way through the man's body and imbedding itself at the base of the sternum. The wounded man was at once conveyed across the street to the Hotel Brookside, where he now lies in a dying condition, attended by surgeons Stevenson and Irwin. Lacey is a reputed Texan bearing a most unsavory character, having been dishonorably discharged Uncle Sam's service and but recently discharged from the Carbon County jail at Rawlins, where he served an eight months' term of imprisonment for a beastly and unnatural assault upon a young man named Madson at Carbon. He is about 38 years of age, heavily built and bronzed by outdoor labors. Miller is but a boy in years, retiring in disposition and gentlemanly in deportment. His home is in Cleveland, Ohio. He was placed under arrest, and will be given a hearing to-morrow. Public sympathy runs entirely in Miller's favor.

Provo Points.

At the conclusion of the examination of Levi Holdaway before Justice J. E. Booth on Friday afternoon last for stealing clothes, log chains, etc., the defendant was sentenced to thirty-five days' imprisonment and $75 fine. He tried to clear Harper and Sanders from complicity in the matter, but at the examination yesterday Harper was found guilty and sentenced to fifteen days' imprisonment. Sanders was released.

On Sunday afternoon, while the inmates of the Asylum were taking their usual walk about the grounds, one of the patients gave out, and had to be packed part of the way back to the Asylum. Night overtook the balance and the patients began to scatter. All returned but two, however, one being Samuel Orchard, of Salt Lake County, and the other David Yates, of Davis County. These two have not, as yet, been recovered. When last seen they were traveling north.

At the examination of Harper yesterday, before Justice Booth, for complicity with Holdaway, in stealing clothes, Harper told many things about Holdaway's abusing his wife, that did not altogether suit Levi. After the court was adjourned, and the people commenced to leave, Holdaway struck a blow at Harper, but he escaped it by dodging behind Sheriff Turner. Holdaway then went for Turner, who had, in the meantime, drawn his club. Aleck Wilkins took hold of Holdaway and marched him to the jail. On the way Holdaway made a terrific blow at Turner, which, had it struck him, would undoubtedly have killed him. When they got to the jail, Holdaway grabbed Turner's club, but was made to release it after a good deal of trouble. He was then lodged in jail, and about two hours afterwards placed in irons. This morning he renewed his threats against Harper, as also against other individuals. He will have to be watched.—*Provo Enquirer.*

Ogden Notes.

There are several cases of typhoid fever in town at present.

Last night at 10 o'clock Mr. Peter Farmer died at his residence on the west side of Franklin Street, between Fifth and Sixth. Some weeks ago while working at the establishment of Fred. J. Kiesel & Co., he ran a piece of iron into one of this thumbs. Blood-poisoning set in and it was from the effects of this that he died, after intense suffering, bravely borne. He leaves a wife and eight children, the oldest of whom is only about 16 years of age. At the death bed a touching scene presented itself. With so many children and a good and affectionate wife to leave, it was hard for the dying man to give up his last hope of life; but when he realized that dissolution was imminent, he called his dear ones to his bedside and bade them a loving farewell.

Yesterday afternoon two boys were arrested for stealing pigeons. Their names were Noel Stuart and Fred Wilson. Two others named Snaddon and Hancock were also said to be implicated and late last night Snaddon was found by an officer and also arrested; it is expected that this morning Hancock will be called upon with a similar summons. For some time past, on several occasions, the barn of Mr. Thomas J. Stevens has been visited at night and some pigeons stolen. Last Saturday night thirty were taken by the boys; but Mr. Stevens caught them in the act and today had them placed under arrest. It is said that these boys are in the habit of taking things which do not belong to them, and have been detected in their purloining depredations before by other people, but have been allowed to go. This time, however, the youngsters will be made to feel to some extent the heavy hand of the law. They will likely be tried before Justice Dee.

Three weeks ago Mr. James Martin, of Harrisville, and one of his children, met with a serious accident. Friend James had been fixing a crossing in a slough and for the purpose took his team, loaded the box above the sides with weeds and rubbish, (he having two of his children with him aged two and five years), and while in the act of holding the little one on the load the wheel of the wagon fell into a large muskrat hole and precipitated him on to the horses' heels, the little boy falling on one side of the wagon. At this the horses started at breakneck speed dragging him along, one of the wheels striking him on the head and otherwise bruising him severely, breaking two of his ribs, and leaving him insensible for a short time. Upon recovering his senses, to his horror he found the eldest boy with his leg broken. How it all happened he could not fully tell. He picked up the boy as with super-human strength and carried him to the house, while he himself was bleeding profusely from the wound in the head, a gash five inches long. Doctor Williams, of Ogden, was sent for and set the boy's leg and sewed up the gash on Mr. Martin's head, leaving the patients as comfortable as possible. The accident confined him to his bed for one week. Through the restlessness of the little boy he had to have the leg reset a week ago. Both are now in a fair way of recovery.—*Ogden Herald, Nov. 1.*

Christening Settlements.

At a meeting of prominent gentlemen interested in the new settlements now being formed in Salt River Valley, Arizona, held at Heay's Ranch on the 22d ult., for the purpose of naming a number of new locations, the following places were christened: Declaration, on Flat Creek; Independence, on Strawberry Creek; Cleveland, on Cedar Creek; Liberty, on Birch Creek. The above are on the east side of the valley. On the west side, the following places were named: Seventy Six, on Jack Knife Creek; Freedom, one mile south of Tin Cup Creek.

From the names selected for the prospective cities, it would seem that the gentlemen composing the christening assembly were a highly patriotic body.

In Idaho.

"Amos" writes from Menan, Idaho, Oct. 31st, as follows:

Everything seems extremely quiet here just now. The "Mormon question" is having quite a resting spell, and the bitter feeling which was so prevalent two or three years ago appears to be almost entirely forgotten.

Some ten months ago several of our brethren were arrested for not properly observing the Edmunds law. They were released under bonds to appear at the May term of the District Court to be held at Blackfoot, but there being no funds to prosecute that class of cases their's were continued to the October term, which convened at Blackfoot today. There were four from the Menan Ward: A. Green, A. N. Stephens, C. W. Shippen and J. H. Byington. They have all gone to Blackfoot to answer to the roll call.

Brother H. E. Pool has gone also to answer to a charge against him for resisting an officer, and Dudley Chase, of Louisville, has gone to answer to the charge of unlawful cohabitation.

FATAL ACCIDENT.

A Fifteen-Year-Old Boy Killed in a Sawmill.

Last evening we noted the fact that James Welch, of Coalville, who is now undergoing a sentence of six months' imprisonment for his fidelity to his family, was brought down from the penitentiary yesterday afternoon. Brother Welch had no idea what the object was, but shortly before 4 o'clock in the afternoon he was notified that a terrible accident had occurred to one of his children, and that through the kindness of Marshal Dyer he was to be permitted to visit his afflicted family. The accident occurred on Tuesday near Brother Welch's home. His son, John R. Welch, fifteen years of age, was employed at a sawmill, and while at work his clothing was caught by the saw. The unfortunate boy was quickly drawn in and his body horribly mutilated, death being instantaneous. The grief-stricken family have the sympathy of the community in their great affliction.

We learn by private communication from Mesa City, Maricopa County, Arizona, that Thomas Riley died at that place on October 25th. He was a man of good education and more than average intelligence, and was an occasional correspondent for the NEWS. His sad fate should be a warning against indulgence in strong drink. The appetite was so strong in him that he concluded he had lost his grip and could not quit. After reaching this conclusion the unfortunate man made up his mind to end a miserable existence by his own hand, and did so, laudanum being the means used for this purpose. Such are the lamentable scenes and effects produced by the demon drink, and thus ended in self-murder a life that might have been brilliant and useful.

The following table showing the nationality of those who fought in the armies of the United States for the suppression of the rebellion, is going the rounds of the press:

Native Americans	1,523,300
British Americans	53,500
English	45,500
Irish	144,200
Germans	176,800
Other foreigners	58,400
Nativity unknown, mostly foreign	26,500
Total	2,018,200

This goes to show that nearly one-fourth of the great army were of foreign birth; it would doubtless be interesting to the new American party to know just how many were of foreign parentage.

THE Martin murder case has been again postponed, this time until the Friend forgery case is disposed of.