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FROM TUESDAY'S DAILY, NOVEMBER 8.

### James Brown Arrested.

This morning James Brown, a resident of the Seventeenth Ward, was arrested on the charge of unlawful cohabitation. He was taken before Commissioner Norrell, when he waived examination and was released on bail, the bonds being fixed at \$1,500.

### Stabbed.

Last night a crowd of boys were going along First South Street, west, and when near First West Street two of them got into an altercation. One, Alvin Wilcox, struck the other, Charles Larsen, when the latter, who had an open pocketknife, began slashing about with the weapon. He struck young Wilcox in the back, a little below the left shoulder. The knife blade struck one of the ribs, planing off, thus probably preventing a fatal wound. Young Larsen was arrested and his trial was set for Thursday afternoon. His bail was fixed at \$500. The wounded boy is progressing favorably.

### Probate Court.

Proceeding in the Salt Lake County Probate Court yesterday:

The will of Robert Dye, with the petition for probating it was filed and an order was made appointing the 21st of November as the time for hearing of probate of will.

In the matter of the estate of Ann Jenkins, deceased, an order was made appointing the 3rd of December as the time of settlement of final account and to hear petition for distribution.

The marriage certificates of John F. Grattan and Alice Simkins, Lewis C. Karrick and Sarah E. Ellerbeck, and John Mayberry and Frances Tuke were filed for record.

An order to show cause why decree of distribution should not be made, in the matter of the estate of Sophia Hollis, deceased, was made.

### MARSHAL DYER RECEIVER.

Judge Zane Does Not Approve of the Appointment.

The interest in the appointment of a receiver, on the motion of the government, to take charge of the property of the Church of Jesus Christ of Latter-day Saints and the Perpetual Emigrating Fund Company, drew out a large attendance at the session of the Territorial Supreme Court last evening.

When the court was opened, District Attorney Peters stated that counsel for both sides had held a consultation, and united in recommending the appointment of Frank H. Dyer, United States Marshal, as receiver.

Mr. Richards—If your honors please, we have agreed to that.

Chief Justice Zane (after a brief conversation with Judges Henderson and Boreman)—The majority of the Court make this appointment as suggested. I want it distinctly understood, however, that I dissent from this appointment.

The Court then inquired whether counsel had any suggestions to make as to the amount of bond the receiver should be required to furnish. The reply was that the matter had not been considered, and Mr. Richards suggested that it be deferred till the next session. Mr. Peters opposed this, and Mr. Richards insisted on his claim.

Mr. Peters—I suggest that \$100,000 will be an ample bond.  
Judge Zane—The opinion of the court is that the bond should be fixed at \$250,000.

Col. Broadhead suggested that Mr. Peters be instructed to prepare such a decree as was proper under the order of the court, and submit it to the counsel for defense, that they might make their objections to it if they had any. The court issued the instructions as requested.

The demurrer in the Church case was then called up.

Mr. Richards said the defense were ready to submit the demurrer filed without further argument.

Mr. Peters stated that the plaintiff desired to submit one additional authority.

Judge Zane, to Col. Broadhead—Have you any further steps to take in the case at present?

Col. Broadhead—No, sir.

District Attorney Peters moved that a receiver be appointed in the suit of the United States vs. the P. E. Fund Company, and suggested that Marsha Dyer be appointed to that position.

The defense made no objection.

After consulting with his associates, Judge Zane said—The majority of the Court make the same appointment, with the same dissent on my part.

The dissent of Judge Zane from the appointment of Marshal Dyer as receiver was a striking feature of the proceedings. It was apparent that he was displeased—highly displeased—and at the conclusion of the conference of the judges, after the suggestion had been made by Mr. Peters, the countenances of Judges Henderson and Boreman became flushed, while Judge Zane's face was pale with the anger which he evidently was unable to conceal, and which was brought out more vividly by the emphatic manner in which he announced his dissent from the action of the majority.

After the announcement of the appointment in the second case, Judge Zane asked—Any suggestions as to the bond?

Mr. Peters—We suggest \$30,000.

No response from the defense.

Court—Let the bond be for \$30,000.

The demurrer in this case was also submitted, and a decision on each demurrer will be given at the next term of court, in January, 1888.

District Attorney Peters called attention to the fact that three persons now held the title, on behalf of the Church, to the real estate. He asked that these parties, Wm. B. Preston, John R. Winder and Robt. T. Burton, be made parties to the suit.

Col. Broadhead arose quickly at this proposition, evidently surprised, and remarked that if this was a chancery proceeding the only way to bring in these parties was to file a supplemental bill. It was not proper to place them in that position without at least a hearing. He did not see how, according to the rules of chancery practice, Mr. Peters' suggestion could be entertained by the Court for a moment. There should be some averments in the bill as to why these parties should be made defendants.

Mr. Peters insisted that the Court could take this step of its own motion because the stipulation of facts showed these parties to have an interest in the property.

Col. Broadhead replied that the stipulation of facts was specially agreed to alone to the question of appointing a receiver; and the motion for the latter excluded all other questions so far as the case had developed.

Judge Zane—The Court will determine this question at the next session.

Mr. Richards made a further suggestion that the stipulation of facts gave no foundation for the request of Mr. Peters.

The Court then adjourned to 7:30 this (Tuesday) evening.

FROM WEDNESDAY'S DAILY NOV. 9.

### The First In Park Valley.

On the night of the 5th inst. deputies Steel and Keck made a raid on the remote settlement of Park Valley, in the western part of Box Elder County. They wanted a defendant named Coleman, whose house they searched, but without success. They also searched the premises of C. L. Jackson, still unsuccessfully.

### Broken Shoulder.

W. H. Bywater, of the Twenty-first Ward, is suffering from a severe and painful injury which he received on Saturday afternoon. He has been in the employ of the city for some time, and on Saturday was working with the gravel train. He went to make a coupling of the cars, and the locomotive closed up on him, the driver and Mr. Bywater not having noticed the action of each other. Mr. Bywater was caught across the shoulders and squeezed tightly. It was thought at first that the injury was not serious, but it became so painful that on Saturday night Dr. Anderson was called and an examination showed that the right shoulder had

been badly fractured. His progress toward recovery will be necessarily slow.

### Pardoned.

Yesterday afternoon Ambrose Greenwell, Jr., was released from the penitentiary, having been pardoned by Governor West, on the recommendation of a large number of prominent citizens of Ogden. He was sentenced over a year ago to five years' imprisonment, on a conviction of alleged perjury, in making certain statements regarding Judge Powers and Miss Sarah Herrick. Both of these signed the application for pardon. Mr. Greenwell returned to Ogden last evening.

### Probate Court.

Louise Lenore Price Daniels was appointed administratrix of the estate of Sophia Hollis, deceased.

Administration letters were issued in the matter of the estate of Robert L. Campbell, deceased, to Mary Campbell, who filed the necessary bond as administratrix.

The time, the 19th inst., was fixed for hearing the petition of Leopold Goldberg for letters of administration on the estate of Isaac M. Flack, deceased.

The bond of Rupert B. Nuckolls, as administrator of the estate of Stephen F. Nuckolls, deceased, was filed.

The marriage certificate of William Hill Park and Sarah McGhie Boam, was filed for record.

### KILLED BY A FALL.

Inquest on the Body of Henry Jones, of Bountiful.

This morning at 10:30 an inquest on the remains of the man mentioned in yesterday's News as having been found dead near the Warm Springs Bath House, was held at the office of Sexton Joseph E. Taylor, on First South Street. The body was identified by several persons from East Bountiful as that of Henry Jones, a resident of that place. The facts developed at the inquest indicated that Mr. Jones, who was a man about 60 years of age, left his home in East Bountiful rather late in the day on Monday the 7th inst., with a white horse attached to a light wagon, to procure a load of coal and to attend to other business in this city.

He was evidently detained for some cause until quite late in the evening and consequently did not get started for home until about 8 p.m., at which hour he was last seen, passing out of the city. Nothing was heard of him from that time until about 3 p.m. yesterday the 8th inst., when two boys, named David Evans and Orlando Hovey, who were looking for some chemical works, discovered his dead body lying partly on its face at the foot of an excavation about 20 feet deep, in a gravel bank. This is situated just north of the Warm Springs Bath House, and a few rods to the right of the main road leading north. The horse and wagon, with the coal, were found entangled in the fence on the side hill and were taken to the City Hall.

The theory of the jury, based upon the facts before them, was that, the night being extremely dark at the hour deceased passed along, he had followed the fence until it led him up the hill opposite the gravel bed, and his wagon, having been caught in the fence, he had discovered that he was off the road, and in striking out in search of it he had wandered around to the upper side of the excavation and owing to the darkness had been precipitated down the embankment—a perpendicular distance of over twenty feet. The injuries received from the fall were undoubtedly the cause of death, as the head of the deceased was partly imbedded in the gravel, which was thoroughly saturated with his life's blood.

The jury brought in a verdict in accordance with the above facts. Messrs. Thomas Briggs and Stephen J. Hart of East Bountiful, who came down from East Bountiful, for the purpose of identifying the deceased, state that he was a wheelwright by profession and that he leaves a wife and four adult children by a former wife, to mourn his loss. The funeral services will be held in the East Bountiful Tabernacle, at 2 p.m., on Thursday, the 10th inst.

In view of the dangerous condition of the embankment referred to, the jurors recommended that a movable fence be placed above that part which is deepest and most precipitous, for the protection of persons or animals now liable to death or serious injury through its present condition.

### THE RECEIVER.

A Decree Giving Him Unlimited Powers.

The Territorial Supreme Court held another session last evening, all of the judges being present. Mr. Peters presented the following

as the decree of the Court in appointing a receiver in the case of the United States vs. the Church:

Supreme Court, Utah Territory.

United States of America vs. the late Corporation, The Church of Jesus Christ of Latter-day Saints, et al.—Entry.

This day this cause came on to be further heard, and for the appointment of a receiver herein, conformably to the former order of this Court. And thereupon the Court being fully advised in the premises, hereby order and adjudge that Frank H. Dyer, Esq., of the city of Salt Lake, in said Territory of Utah, be, and he is hereby appointed receiver of the defendant, the late corporation, The Church of Jesus Christ of Latter-day Saints, and of all of its debts and property, real, personal and mixed, of every nature, kind and description whatsoever, including any and all equitable interests which it may have to any thereof.

It is further ordered and adjudged that said receiver shall proceed forthwith to collect and get in all of the outstanding debts and moneys due to, and personal property of, the said late corporation, the Church of Jesus Christ of Latter-day Saints, and take possession of, manage, control and collect the rents, issues and profits from the real estate thereof.

It is further ordered and adjudged that the said late corporation, The Church of Jesus Christ of Latter-day Saints, the co-defendants and its officers, trustees, agents and employees, and each of them, surrender and deliver up to said receiver all of the assets, property, effects of every kind and nature, and the possession of real estate belonging to the said late corporation, and also all moneys, notes, drafts, bills of exchange, checks, or other evidences of indebtedness due and owing to the said late corporation, as well as all books of account, accounts, deeds, bonds, mortgages, certificates of stock, books and papers of every kind or nature whatsoever, belonging to said late corporation. And for the purpose of collecting and gathering in said property and effects of the said late corporation, and of managing and conducting said business, the said receiver is hereby authorized and empowered to employ counsel, and such other aid and assistance as he may deem proper and necessary for that purpose; he is also authorized and empowered to institute and maintain in his own name as such receiver, such suit or suits and take such proceedings from time to time in the courts of this Territory or elsewhere, as may be necessary to fully and effectually carry out the objects and purposes of this decree.

It is further ordered and adjudged that said receiver, at the end of each month, file with the clerk of this court an account, under oath with proper vouchers, of his doings and proceedings under this decree.

It is further ordered and adjudged that said Frank H. Dyer, before entering upon the discharge of his duties as such receiver shall be sworn to faithfully perform the duties thereof, and in due form of law enter into an undertaking to the clerk of this court and his successor in office in the sum of \$250,000 with good and sufficient sureties to the satisfaction of the clerk of this court, for the faithful and honest administration of this trust.

It is further ordered and adjudged that either party hereto or said receiver, may apply from time to time to the court for further directions and orders herein, as occasion may require.

Mr. Peters said the defense had agreed to the decree except as to the power given the receiver to commence suits without the special permission of the court. The plaintiff thought this power should be general as the court held but two terms a year.

Col. Broadhead said it was the universal rule in courts of chancery to circumscribe the powers of the receiver. The costs which could be incurred by him in the indiscriminate use of unlimited powers might be enormous.

The Court ruled that the receiver should not be restricted in the matter of instituting suits until permission could be obtained from the Court. If he should abuse his powers by instituting unnecessary proceedings, the other side could present the matter to the Court and have his action abrogated.

Col. Broadhead suggested that the holding of only two terms of the Supreme Court need cause no delay. This proceeding was before a court of chancery, and either one of the three judges could hear and determine in chambers the question of bringing a suit.

Mr. Peters insisted that even in this limited time property might be changed from one to another so the receiver could not find it. Some of the Church property was also in Idaho, and they wanted to reach it there.

Judge Zane announced—The Court is disposed to hold that the order should be general, and should be made without requiring the receiver to ask the permission of the court for an or-

der to institute a suit. If parties are aggrieved, suit can be commenced on their complaint.

Mr. Peters called attention to the fact that the bond of the receiver should be made payable to somebody, and suggested the people.

Col. Broadhead remarked that the people meant the government, which was the plaintiff in this case, and suggested the clerk of the court.

The latter suggestion was adopted.

Mr. Peters said—in respect to making Messrs. Preston, Burton and Winder defendants in this action, the gentlemen on the other side concede that if the Court is of opinion that these parties are properly qualified persons, and hold part of the property, it can order them brought in and made parties defendant.

Col. Broadhead replied that the proper way was by a supplemental bill. He did not know whether those parties would waive that proceeding or not, as he did not appear for them. It was true that the Court could order them brought in if they were proper parties, and if the necessity of a supplemental bill was waived.

Mr. Peters said that the three gentlemen named had received Church property in trust in July last. They claimed the legal title and were parties to the suit, or should be.

The Court ordered that they be brought in as parties to the suit. It would determine hereafter as to their rights in the premises.

Judge Zane—Is it desirable to file a demurrer on behalf of the new parties?

Col. Broadhead—We do not know as to that at present. We do not know whether or not we appear for them.

Judge Zane—Then they have a right to demur?

Col. Broadhead—Certainly. Although we have had no opportunity to consult them, we will, however, voluntarily enter an appearance for them, and can probably have the matter in shape by tomorrow night. We do not wish to delay things longer than is necessary.

Mr. Peters wanted to know whether there would be any new questions raised in a demurrer.

Col. Broadhead—We do not know as to that. We can tell better after we have seen the parties. The Court will probably have to meet more than once.

Judge Boreman—This case is creating considerable inconvenience to the Court and we would like it shortened up as much as possible.

Col. Broadhead—Well, your honors, this is a new case and a new tribunal, and we propose to proceed with caution that we may make no mistakes.

Judge Zane—Well, the Court will pass upon the demurrer tomorrow night unless there is new ground set forth.

This concluded the proceedings in the Church case, and Mr. Dickson called attention to a petition for a rehearing in the case of Switzgabel vs. Worseldine, and asked that it be set for a day certain.

Arthur Brown presented an application for the admission of N. V. Jones and F. M. Treseder to bail pending the appeal in their case. In reply to Judge Henderson he said the application had been denied in the District Court. The Supreme Court then peremptorily declined to hear or consider the application.

Court then adjourned until 8 o'clock this (Wednesday) evening.

### Information Wanted.

Concerning the whereabouts of William Carruth (or Caruth) who emigrated to Utah some years since. Address James Ferguson, care of James Spry, Somerville Avenue, Somerville, Mass.

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