DESERET EVENING NEWS: THURSDAY, APRIL 19, 1906.



HANDED DOWN. **BREWERY BURNED** vireater Part of Structure En-Supreme Court Reverses Judgtirely Gutted by Fierce ment of Lower Tribunal in Two Cases. CLOSE CALL FOR FIREMEN. PERSONAL DAMAGE MATTER. C. J. Grandin Given Sum of \$1,999 Front Wall Collapsed on Them But Against Southern Pacific But They Escaped Serious Injury in Negligence Not Proved. A Miraculous Manner.

TWO OPINIONS

The old Margetts brewery, situated near Second North on Secod West street, was for the most part destroyed by fire about noon today. The origin of the blaze is unknown, but flames suddenly shot through the roof on the south side of the huilding, and soon that portion and the whole front of the structure were burning fiercely. Numbers one, two and three of the fire department made hasty runs to the scene and it was not long before several streams of water were pouring upon and into the building. But the flames had a good start, and despite the splendid work done by the fire-men, it was not long before the greater part of the structure was entirely gutted.

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MARGETTS' OLD

Flames.

FRONT WALL COLLAPSED.

Three or four of the firemen wer standing in a doorway, holding a hose when without the least warning, the entire front wall collapsed. The mer were carried with the falling brick The men adobes, mortar and timber, which showered upon them as thick as hall which but strange to say not a man was severely hurt. They got out of the ruins, and grasping again the boso which they had momentarily lost, they renewed the fight with seeming anconcern of the great danger through which they had passed. The incident elicited a roar of applause from the hundreds of spectators who were gathered in the vicinity.

It was only after more than two hours of work on the part of the de-partments that the flames were finally partments that the names were finally subdued. The building is owned by A. B. Margetts, and he carried \$3,000 in-surance. A lease was taken upon the brewery about five years ago by P. Buller, and the amount of insurance carried by that gentleman was \$5,000. The stock carried in the concern is carried by that gentleman was $s_{0,000}$. The stock carried in the concern is placed by the proprietor at \$10,000, while there is several thousand dol-lars' worth of machinery in the rear part of the building. The machinery was not much damaged by the fire, and what will be the amount of the water damage cannot yet be ascertained.

INSURED IN TIME.

The insurance on the contents of the building expired a few days ago, and Mr. Buller had decided not to re-new it. However, an agent finally talked him into taking \$5,000. He was angry at the time that he couldn't get rid of the previously get rid of the persistent insurance man, but today Mr. Buller is congratulating himself upon the fact that h permitted himself to be "talked into permittee him.

and positive as

Two opinions were handed down by the supreme court today both of which were reversals of the judgments rendered by the lower court. The judgment in the case of the estate of Wilstrong and Margaret Williams, appellants, vs. Charles W. Johnson was reversed and the case remanded with

liam G. Owens, deceased, S. P. Arminstructions to the lower court to proceed in accordance with the opinion of the supreme court. The action was brought to set aside the appointment of Charles W. Johnson as administra-tor of the estate of William G. Owens, Johnson, as secretary of the Hous-ton Real Estate Investment company, applied for letters of administration upon the ground that his company was creditor of the estate. Margaret Williams, a sister of the deceased who resides in Wales, later filed a petiresides in wates, later nied a peti-tion asking that S. P. Armstrong be appointed as administrator. She also objected to the appointment of John-son. The lower court, however, appointed Johnson and issued letters of

administration to him. The supreme court holds that Johntion applied for letters of administra-tion before three months from the death of Owens, the time in which the statute allows the relatives and next of Bin of the decensed to apply for letters and as he personally was not a creditor of the estate he had no right to be appointed. It is further held that he certainly had no right in preference to a person whose appointment was requested by a relative who had an interest in the residue of the estate, an interest in the residue of the estate. The action of the lower court is there-fore reversed. The opinion of the court was written by Chief Justice Bartch and concurred in by Justices McCarty and Straup. The other reversal of the lower court was in the case of Carl J. Grandin against the Southern Pacific company, appellant. The action was brought to recover damages for nersonal inturies

appellant. The action was brought to recover damages for personal injuries received by plaintiff while employed in unloading freight for defendant in its yards at Ogden on Feb. 19, 1994. The plaintiff and several other employes were engaged in unloading battery houses from a flat car and had erected a temporary platform for the term a temporary platform for that pur-pose. One of the trucks fell from this platform and severely injured plaintiff. The jury in the lower court returned a veridet in favor of plaintiff for \$1,999. On appeal it was contended by the company that its motion for non-suit should have been granted by the lower court as plaintiff had failed to prove any negligence on the part of defend-ant and hence had no right of recovery. The danger connected with the work,

it was contended, was open and no-torious and plaintiff assumed the risk when he proceeded with the work. The supreme court holds that the contention of appellant is good and that the lower court erred in not grant-ing appellant's non-suit and further that plaintin had no right of recovery under the circumstances. The judge-ment is reversed with instructions to the lower court to proceed in accord-ance herewith. The opinion was writ-ten by Chief Justice Bartch and con-curred in by the associate justices.

nes lace, and she carried bride's roses. Her going away gown was of gray and blue with blue hat. Her bridesmaid. Miss Libbie Wells, wore a gown of white dotted Swiss with pink ribbons, and carried pink roses. Mr. Gail Mof-fatt was best man. An orchestra was stationed upstairs, and furnished ap-memory much during the second stationed upstairs, and furnished ap-propriate music during the evening. Little Lillian Wells and Marian Whit-ney carried large baskets decorated with pink roses and ribbons, and filled with wedding cake, which they dis-pensed to the guests. Assisting in re-ceiving were Mr. and Mrs. R. S. Wells and Mrs. Moffatt, Mr. and Mrs. H. G. Whitney, and Mr. and Mrs. Guy Thatcher of Logan. Punch was served in the library from a prettily decorated In the library from a prettily decorated table. Mr. and Mrs. Moffatt left on a late train for a trip to the North Pacific coast, and upon their return will reside at Newhouse. In the Temple yesterday, President

and Mrs. Winder will make their home at the Winder farm. They have many friends who will extend best wishes

No Fill is as pleasant and positive as DeWitt's Little Early Risers. These Famous Little Pills are so full and effective that children, delicate ladies and weak people enjoy their cleansing effect, while strong people say they are the best liver pills sold. Never gripe.-Sold by F. C. Schramm, druggist; Sold by F. C. Sc where the cars stop,

SAD HOME COMING.

Judge Wm. H. King Arrives With Body of His Wife.

Judge William H. King arrived in the city this morning over the Denver & Rio Grande system, from Kansas City, The home coming of Judge King is indeed a sad one, for he brought with him the remains of his beloved wife, whose death at Kansas City was noted in the "News." The body was taken to the undertaking parlors of Joseph William Taylor, where it is being prepared for its last resting place.

All the details of the funeral arrangements have not been completed, but the services will be held at the Twentyseventh ward chapel tomorrow afternoon at 2 o'clock. The remains will be taken to the King home, 1257 Military avenue, either this evening or tomorrow morning.



Public School Children Planted 7.253 Trees; 8,584 Shrubs.

Supt. of Schools Christensen has received reports from the work done by the public school children of the city on Arbor day. The report shows that 7,252 trees were planted, 8,584 shrubs, 8,920 flower gardens, and also 4,098 yards were cleaned on that day. In ad-dition to these there were 686 vegetable gardens planted by the children. Fol-lowing is a comparative report of the work done by the children on Arbor day, 1965 and 1965.

work done by the children on Arbor day, 1905 and 1906;
Number of trees planted—1905, 6.787;
1906, 7.252, Number of shrubs planted— 1905, 6.439; 1906, 8.584, Number of flow-er gardens—1905, 5.913; 1906, 8.929, Num-ber of yards cleaned—1905, 4.453; 1906, 4.098, Number of vegetable gardens planted in 1906, 688.

Now is the time to take Hollister's Rocky Mountain Tea. It cleans your system of all impurities. A wonderful spring tonic. A family benefactor. 35 cents, Tea or Tablets. Z. C. M. I. Drug Store, 112-114 Main Street.

THEATER WILL AID.

"Message From Mars" Company Volunteers services to Help Fund.

Early this morning as soon as the news was known that local committees would be formed to raise funds to aid the San Francisco sufferers, Manager Pyper of the Theater, and the manager of the "Message from Mars" company, held a consultation, and decided to tender the house and the services of the company for a benefit to be given to-morrow afternoon in aid of the fund. The total proceeds realized. Manager Pyper states, will be turned over to the Pyper states, will be turned over to the local committee. The house will be giv-en free, every member of the "Message from Mars" company will give his or her services, and all attaches are ex-pected to do the same. The public will no doubt appreciate this mark of generosity, and the house ought to be crammed,

TWO OPINIONS GIVEN.

Supreme Court Reverses One Case And Affirms Another.

Two opinions were handed down by the supreme court yesterday afternoon the supreme court yesterday afternoon, one of which was a reversal and the other an affirmation of the judgment of the lower court. In the case of Rich-ard Howe, appellant, against Isaac Sears and Thomas Jeremy, the judg-ment of the lower court was reversed, and a new trial granted. The action was brought to recours an addition was brought to recover on a deficiency was brought to recover on a deficiency judgment rendered in favor of appellant on a foreclosure suit. The respondents pleaded that the deficiency judgment was barred by the statute of limitations and the lower court decided in their favor. The point involved is whether the statute of limitations began to run from the date the amount of the decifrom the date the amount of the defi-entered in the case or whether it ran fromt he date the amount of the defifrom the date the amount of the defi-ciency judgment was determined. The lower court held that it ran from the date of the original decree, and thus the action on the deficiency judgment was barred. The supreme court, how-ever, holds that the statute does not begun to run until the amount of the deficiency judgment is determined

deficiency judgment is determined, hence the action of appellant was not barred. The judgment is therefore re-versed, with instructions to grant a new trial. The opinion was written by function stream. Justice Straup.

In the case of John Y, Rich against the Utah Commercial & Savings bank, appellant, the Judgment of the lower court was affirmed. The action was brought to recover \$53 head of sheep, which it was claimed were unlawfully converted by the bank. The lower court rendered judgment in favor of plainliff and this judgment is now af-firmed by the supreme court.

HAD CLOSE CALL.

Two Physicians Narrowly Escaped Trouble in District Court.

Two physicians who were wanted for witnesses in the case of W. E. Taylor against Dr. C. W. Stewart, which is being tried in Judge Ritchie's court, had a close call to being adjudged in contempt of court yesterday afternoon for failure to appear at the required time to testify in the case. Dr. Baldwin time to testify in the case. Dr. Baldwin and Dr. Beer are the physicians in question. It seems that they had been told to appear in court at 2 o'clock, but at that hour neither one was present. The court waited for some time, but they failed to appear, whereupon an attachment was issued for them. Dr. Beer was found in the federal court, where he was called to testify in anwhere he was called to testify in an-other case, and could not be excused until they were through with him. Dr. Baldwin informed the court when he arrived that he had not been subpoenahence he was excused, as ed at all. was also Dr. Beer.

COURT NOTES.

Suit for divorce has been filed in the district court by Fanile Williamson, against Jesse L. Williamson, on the ground of failure to support. Plaintiff asks for the restoration of her maiden name, Fannie Huff, and for \$25 per month alimony.

Dennis McGraw filed a petition in the probate division of the district court today asking for letters of ad-ministration of the estate of Belle Mc-Graw, who died in this county on Nov. 6, 1995 The estate consists of real property of the value of \$3,000.

the parlor, and red prevailed in the dining room, deep red carnations being used with ferns, and red shaded lights. A number of intimate friends assisted in receiving and serving. The bride wore a handsome white broadcloth gown with trimmings of lace and silk braid, with large white picture hat, and carried bride's roses. The mald and carried bride's loses. The main of honor was daintily gowned in pink and carried pink carnations, while the two bridesmails were entirely in white. The bride was given away by her brother, John Harold Radcliffe. Mr. and Mrs. Yonug will be at home to their friends after May 1, at 40 Deimer avenue.

Mr. and Mrs. W. G. Sharp are here from New York for a brief stay, and are guests at the Harkness home on East Temple street.

honor at a card party on Saturday, to be given by Mrs. G. P. Holman.

tained at bridge today.

Seattle, visiting at the Keith home.

The Daughters of the Revolution meet today at the Templeton in honor of the battle of Lexington.

