

ed. None of the bodies have been recovered. Divers arrived to-night and efforts will be made in the morning to find the bodies and raise the *Josephine*. Great blame is attached to the captains of both boats for their mismanagement and lack of judgment.

CLEVELAND, O., 31.—In the postponed racing race, Lucy wins the fifth heat and race in 2.16, Mattie Hunter, second, Sleepy Tom, third and Rowdy Bay, fourth.

CINCINNATI, 31.—The Congressional committee investigation of the charges regarding corruption in the election of Butterworth, republican, to-day, at the suggestion of lawyer Campbell called Butterworth to the stand. The latter said, although Campbell was his personal enemy, and was here to smirch his reputation, he would waive his technical right in the matter and testify. Campbell denied the accusation of personal enmity. Butterworth then testified that the campaign committee did not give him a nickel for the campaign. He received \$2,500 from other sources. My friends say, if I would accept the nomination to Congress they would furnish the necessary funds; received \$1,000 from Col. Robinson at Columbus, and \$1,000 from the neighborhood; did not get a cent from Washington; never received moneys from Eugene Hall or Judge Gorham. Met E. L. P. Holland and asked him if he would undertake work in the fourth ward in the interest of the republicans and try to prevent repeating. He said he would do so for \$300 or \$400, but finally agreed to undertake it for \$150. Saw him after the election, and paid him three \$50 bills. He wanted \$50 more. Weitzel or myself paid it afterwards at Gibson house.

MEMPHIS, 31.—Four more cases were reported to the board of health this afternoon. James Hester, Jerry Creeden, Rachel Taylor and Mary Taylor. One additional death has occurred, H. Durratt, residing six miles from the city.

At a meeting of the Howard Association this afternoon, four physicians were placed on duty to attend the indigent sick. About 100 poor people went into Camp Marks to-day. A storm from the southeast is threatened.

New Orleans, 31.—The board of health has adopted resolutions deprecating the enactment of severe quarantine regulations against this city, and expressing the opinion that there is no reason for alarm, and hoping that soon places and cities which have, through great prudence, put up quarantine bars, will feel it in their power to take them down, and allow the business of the country to proceed, where it can do so without any real danger to the public health. Dr. Choppin says there is no fear of an epidemic. One case is reported at the quarantine station, and two suspicious cases of children on Washington Street.

NEW YORK, 1.—The *World's* Washington special says: Lesseps was certainly not well informed of the intentions of this government when he said at Nantes on Tuesday night that the American government was not opposed to his scheme for a canal by the Panama route. The administration is decidedly in favor of the Nicaragua route, and looks with decided disfavor on any plan which will give a foreign company control of the proposed water route from the Gulf to the Pacific. In conversation the other day the President told a correspondent of the *World* it was not only the hope, but the expectation of this government that American capital would build the canal, and that the American government would control it. He put no faith in Lesseps' statement that there is a large amount of American capital waiting for investment in his and Lieut. Bonaparte Wyse's project. Admiral Ammen has entirely convinced the administration that he is right, that the Panama route is not only unwise but impossible, that the movement in favor of it is made by the interested parties, and that the late Congress in Paris was controlled by those who are peculiarly interested in the adoption of the Panama plan.

Lesseps declared precisely what is the reverse of the truth when he said this government was not opposed to what it has reason to regard as a stock jobbing operation. The President has not officially taken up the subject as yet, but from the tenor of his conversation in the interview referred to it is very plain that he has gone far

enough in to it to see the force of Ammen's views. It may be announced with authority then that, as at present advised, the administration of the United States will do all in its power to prevent the consummation of Lesseps' plan, and also that it will appoint a commission of officers of the navy or army to examine into the whole subject. It is extremely probable that anything that Ammen advises will be adopted in arranging this matter, and therefore that, as he advises, engineers of other countries will be invited to consider the whole subject. The decided opinion of the administration is that the Clayton-Buliver treaty opposes no difficulties to action on the part of this government looking to the prevention of the building of the canal by a foreign company, or by any one, under such conditions that the United States cannot assume complete control of it whenever that may become necessary.

The same paper says: It gives us much pleasure to announce that the accomplished officer of the United States Navy, Lieutenant Goringe, who recently returned from a successful survey of the the Levant in the United States steamer *Gelleyburg*, has been granted leave of absence by the Secretary of the Navy at the request of the State Department for the purpose of supervising and perfecting the necessary arrangements for bringing to this country the noble obelisk so generously presented to this city by the Khedive of Egypt. These arrangements will all be carried out without expense either to the United States government or to the city, and with no necessary delay. Dixon, who conveyed the obelisk from Egypt to England recently, will perform the similar office in this case.

The *Tribune's* Washington special says: A prominent democratic politician, who recently held a long conversation with Tilden on political topics, says that Tilden expresses some doubts as to whether he will be able to secure the presidential nomination next year. It seems that Tilden fears that a defection in the south, added to the opposition in the west may ruin his chance. In conversation, the names of other possible candidates were mentioned and their prospects discussed. Tilden is reported to have said, regarding David Davis, that the democrats cannot afford to and will not run a man next year who has not always been known as a consistent and thorough democrat. The salvation of the democratic party depends on that course, and no matter how obscure the candidate, his democracy must be unquestioned. Pressed to name a candidate aside from himself who would answer all the requirements, he is said to have remarked that Justice Field, of California, appeared to him to be the strongest and most available man. That Field's relatives are very wealthy and would be willing to spend a million or two if he were nominated. That the Pacific States would undoubtedly be solid in his favor, and that he would stand a better chance in New York and other doubtful northern States than any of the other candidates whose merits have been discussed. Tilden is reported also to have said, however, he did not see how the democrats could afford to nominate any one except himself. He claimed that everybody knows that he is one who was defrauded and abused; that the fraud issue will undoubtedly be the main issue in the next canvass.

It is rumored that the celebrated John I. Davenport has resigned as clerk of the circuit court, and his resignation is held till the appointment of a successor.

SAN FRANCISCO, 1.—The ship *Templar* arrived last evening, 161 days from Rio Janeiro here. She put in for repairs on the voyage out from New York. While in Rio the captain took the yellow fever but recovered. Nine of the seamen died in port from that disease. The first day after leaving the fever appeared, the wife of Captain Armstrong and Harry Cave and Michael Walsh, seamen, died, and Capt. Armstrong, his daughter, the ship's carpenter, and several sailors were taken down. On June 24th, William Snelling, chief mate, fell overboard and was drowned. Capt. Armstrong is still ill and several of the crew are not fully recovered. The quarantine officers took charge of the vessel, destroyed the bedding and carpets, disinfected the ship and took her to quarantine.

There has not been a new case of fever on board for three months.

## FOREIGN.

LONDON, 30.—Turkey is still arming the Greek frontiers.

The appointment to the head of the Turkish ministry of Aarifa Pasha is to give way for Mahmoud Nedim Pasha.

It is understood that Nubar Pasha is free to return to Egypt. "Isomy" is the favorite for the Goodwood cup race, "Parole" next.

Government is expected to prorogue Parliament till the 16th of August.

All the Indian troop ships are ordered to be ready for 6 months continuous service with the view of bringing home the troops from South Africa.

A long list of honors has been conferred in connection with the Afghan war. The principal persons so distinguished are Maj. Cavagnari, Generals Stewart, Browne, Maude, Biddulph, Roberts and Lumsden, who are created Knight Commanders of the Bath.

Prince Alexander, of Bulgaria, has telegraphed the Porte that Turkish troops have violated the Bulgarian territory near Dubutza and Bashi Bazouks are pillaging and assassinating. The Painsce demands their immediate recall.

HAVANA, 30.—There were 117 deaths from yellow fever for the week ending July 26th in this city.

LONDON, 31.—The committee for the erection of a chapel in honor of the Prince Imperial, has issued an appeal, calling on the French nation for aid in the erection of the chapel in Paris. Joachim Murat is president of the committee. General Fleury, Baron Hausman, Paul DeCassagnac and Roacher are among the members. The absence of Prince Jerome Napoleon's name from the committee is noted.

The most favorable accounts are received from Gastein of the health of the German Emperor.

In recognition of the labors of Prof. Gneist, Prest. Hayes has transmitted to him a collection of volumes on the history of jurisprudence.

Official returns show 20 officers and 400 men died of cholera and other diseases, on the return march from the Afghan campaign, while only about 100 men were killed in action.

The Khirgese, owing allegiance to China, made a fresh raid on the Russian district of Serghiapol. The Cossacks pursued them 20 miles beyond the frontier, took 14 prisoners and recaptured the booty.

## A BOND ACCEPTED.

ARRANGEMENTS have been made by which President Taylor has today given a bond covering the amount required to be turned over to the Receivers instead of the property itself. This being done the order of the Court for the imprisonment of the defendant has been discharged. The effect of this will be that when the main issue is tried, if the case should be ultimately decided against the defendant, he will have to turn over the property in dispute to the party adjudged to be entitled thereto or pay the value thereof.

Following is a copy of the stipulation entered into between the counsel on either side.

In the District Court of the Third Judicial District of Utah, Salt Lake County.

Emeline A. Young, et al.

vs.  
George Q. Cannon, Albert Carrington, Brigham Young, Executors, &c., and John Taylor, et al., Defendants.

The defendant John Taylor, having delivered to said plaintiffs, an undertaking with satisfactory sureties to deliver over or pay the value of the property and assets which he is required to deliver to the receivers by order of this Court, made in this action, on the 30th day of July, 1879, and to make such delivery or payment to the plaintiffs and others entitled thereto, if final judgment be rendered in this action, therefore, it is hereby stipulated in behalf of said plaintiffs, that the warrant to carry said order into effect be discharged, and that said plaintiffs will not en-

force the execution of said order against said Taylor.

Dated August 2d 1879.  
TILFORD & HAGAN,  
SUTHERLAND & MOBRIDE,  
Plaintiff's Attorneys.

RICHARDS & WILLIAMS,  
AURELIUS MINER,  
W. N. DUSENBURY,  
Att'ys for Def't Taylor.

TERRITORY OF UTAH, } ss.  
County of Salt Lake. }

I, C. S. Hill, Clerk of the Third Judicial District Court, of Utah Territory, do hereby certify that the foregoing is a full, true and correct copy of the original stipulation in regard to discharge of warrant, as to said defendant Taylor, in the aboveentitled action, filed in my office, Aug. 2, 1879.

Witness my hand and the seal of said Court, at Salt Lake City, this 2d day of August, A. D., 1879.

C. S. HILL, Clerk,  
By P. B. HILL, Deputy Clerk.

The following is from the record of the Third District Court:

The plaintiffs having signified that they are satisfied with the execution of the warrant of commitment issued herein Aug. 2, 1879, on the order of contempt made and entered herein July 30, 1879, against defendant John Taylor, the same as to him is hereby ordered discharged and satisfied.

This arrangement is precisely what the defendant offered in his original answer to the complaint, but which was refused by the Court. We quote from the document, as previously published in this paper:

"If it be necessary to secure the said plaintiff in her supposed claim against any danger of the supposed fraudulent conduct of this defendant, or the aforesaid Church, such supposed danger could be avoided by ample bond, with good sureties, which will be forthcoming when required."

After all this pother and trouble designed to squeeze the defendant into handing over property or its equivalent which of right belongs to the Church, the bond is accepted. But mark this. When counsel for the defendant on Friday offered to give a bond in lieu of the property, Judge Boreman peremptorily refused and could find nothing in the law which gave him any authority to do so. Saturday, just as soon as counsel for the plaintiff consent to the arrangement, he can find authority enough to endorse it and does it without a grant.

This stipulation will no doubt save much unpleasantness that would likely have ensued if the order for imprisonment had been carried out. There are very few persons in the community who endorse the arbitrary action of Judge Boreman, and they are the persistent enemies of the people here. One lawyer of some eminence in the profession remarked, yesterday, that he would much rather be in the position of the defendant than the Judge, and would sooner go to prison for an indefinite period than be the author of such a decision as Boreman's.

The Executors on Saturday were making similar arrangements as to bonds, and we suppose we may consider the "contempt" case as concluded. The suit on the main issue will now most likely go on without any of these side issues and guerilla skirmishes, and may God give the victory to the right!

## ORDER OF COMMITMENT.

THE EXECUTORS AND TRUSTEE TO BE IMPRISONED.

In the District Court for the Third Judicial District of the Territory of Utah, Salt Lake County.

Emeline A. Young et al., plaintiffs,

vs.  
George Q. Cannon, Albert Carrington and Brigham Young, executors of the last will and testament of Brigham Young, deceased, and John Taylor and others, defendants.

A writ of attachment having issued out of this court against said defendants, George Q. Cannon, A. Carrington, Brigham Young and John Taylor, for contempt in neglecting and refusing to comply with the order, made in the above entitled action, on the 12th day of June, 1879, by which order they, the said George Q. Cannon, Albert

Carrington, Brigham Young and John Taylor, were directed on demand to deliver over to W. S. McCornick and Marshal Shaughnessy, receivers herein, or one of them, all the property, real and personal, and assets of Brigham Young, deceased, of whatever name, nature or kind, and wherever situated, which had come to their hands or under their control respectively, which attachment was directed to the U. S. Marshal for said territory, and returnable forthwith, and said Marshal having returned that he had attached the bodies of the said defendants last above named and had them in custody before the said Court, and the said defendants having personally appeared before said Court and made answer to the alleged contempt, and the said Court having heard the said answer and investigated the charges and heard testimony for and against the said defendants and it appearing therefrom and from the opinion and finding of the Court, which is made a part of this order, that said order of June 12th, '79, was duly served, on all said defendants last named, except said Geo. Q. Cannon, on the 9th of June, '79, and on said Cannon early in July, 1879, and a demand was made personally on said defendants for all personal assets belonging to said estate in said month of June, and on said Cannon on the 12th day of July, 1879, and it appearing that the said defendants, George Q. Cannon, Albert Carrington and Brigham Young have still in their hands as executors of the estate of Brigham Young deceased, the sum of \$142,995.52 which they have neglected and refused to deliver over to said receiver; that Brigham Young has in his hands of such assets, six shares of the stock of the Provo Manufacturing Company of the value of \$420; 54 shares of stock of the Salt Lake City R. R. Company, \$350, 5 and 83 53ds shares of the capital stock of Zions Co-operative Mercantile Institution \$291.75, an order on Zion's Co-op. M. I. of the value of \$5,733, a lot of sheep and wool in Beaver co-operative herd of the value of \$962.70, one old threshing machine of the value of \$40, cash \$21.70, and order from Heber Young for \$210, which amounts he has neglected and refuses to deliver to said receiver; and it appearing also that said John Taylor has on his hands of said amounts, \$161,000 the proceeds of Washington Factory notes, and Salt Lake Gas company stock, and rents and profits of real estate of said deceased, transferred to him by said executors, and has also in his hand 16 \$1,000 bonds of the Utah Southern Railroad Company's and \$118,000 of the capital stock of the Z. C. M. I., all of which he has neglected and refused to deliver to said receiver.

Therefore the Court finds, determines and adjudges the defendants guilty of the contempt charged, and said contempt consisting in the omission to perform an act which is yet in the power of said defendants to perform, it is ordered and adjudged by the Court that the said defendants, Geo. Q. Cannon, Albert Carrington and Brigham Young, do stand committed to prison, and there remain charged with said contempt, until they pay over to said receiver, the sum of \$142,995.50, and said Brigham Young do also stand so committed and charged, until he delivers to said receiver, 6 shares of the stock of the Provo Manufacturing Company, of the value of \$420; 54 shares of the stock of the Salt Lake Railroad Company of the value of \$1,350, and five and 83.53-100 shares of the capital stock of Z. C. M. Institution, of the value of \$291.75; a lot of sheep and wool in Beaver Co-op. herd of the value of \$962.70; one old threshing machine of the value of \$40, cash \$21.70, and order from Heber Young for \$210. And that said defendant, John Taylor, do stand committed to prison, and their remain charged with the said contempt until he pay over to said receiver, \$99,650, the proceeds of Washington factory notes, Salt Lake City Gas Stock, and all rents and profits aforesaid; \$118,000 of the capital stock of Z. C. M. I. or the cash value thereof, to wit: \$59,000; and 16 \$1,000 bonds of the U. S. R. R., or their cash value, viz. \$15,000; and that said defendants pay the cost of this proceeding, taxed at \$20, and that a warrant issue to carry this order into effect.

JACOB S. BOREMAN, Judge.  
Attest—C. S. HILL, Clerk, by  
H. G. McMILLAN,  
Deputy Clerk.