

SPRING "REFORM" SUIT IN COURT.

Plaint of the Coterie Which Thinks The Whole World is Out Of Joint.

WANT TO RESTRAIN PRES. SMITH

Think That He Should Render Accounting to Them as Trustee-in-Trust for All His Acts.

IT HAS A RIDICULOUS SIDE.

Just One More Sequence Following in The Wake of the Failure to "Return" Tom Kearns.

The Deseret News called the turn all right. The stir-the-public-up-and-get-outside-effect suit prepared by the law firm of Zane & Strangefellow, at the instance of Don C. W. Musser, Charles A. Smurthwaite and Frank J. Cannon, and signed by the two former, was filed in the district court last evening. The substance of the complaint is as foreshadowed in this paper.

The publication, in advance, of what the plaintiffs intended to do, was, as already stated, a great surprise to them. They were not only astonished; they were amazed. Each looked at the others as though he was under suspicion of having communicated the information to this journal, and finally they congratulated the "News" for the running down of the biggest news item of the day. All of them, however, are aware that it is, above all, a newspaper, and one that has made a record for itself in getting there first, and in getting there right. Of course, this is made easier from the fact that its local contemporaries have become drunken through imbibing too freely of anti-"Mormon" prejudice and other things. It will be observed that Smurthwaite still claims a "technical membership" in the Church as he has appealed from the action in which he was excommunicated, and that on that account, he has made himself a joint plaintiff with Musser. Cannon evidently regards his excommunication as effectual, as he did not sign the complaint. However, he had a hand in its formulation and advised with the attorneys as to what should be done. In fact he was very particular about what it must and must not contain. Like the others he was much disturbed by the Deseret News giving to the world that which he had calculated as a scoop for the Kearns papers, but which he was unable, by the utmost secrecy, to give to them. Considering the fact that they have not had a genuine news scoop in many moons, the publication of it was regarded as most crucial.

THE COMPLAINT.

The full text of the complaint is as follows:

In the Third Judicial District court in and for the county of Salt Lake, State of Utah.

Don Carlos W. Musser and Charles A. Smurthwaite, who sue on behalf of the Church of Jesus Christ of Latter-day Saints, plaintiffs, vs. the Church of Jesus Christ of Latter-day Saints and Joseph F. Smith, president thereof, and trustee in trust, defendants. The plaintiffs on their own behalf and on behalf of all the members of said Church, who may choose to come into this cause, complain of Joseph F. Smith, president and trustee in trust of the Church of Jesus Christ of Latter-day Saints, and trustee in trust thereof:

I. That plaintiffs are members of said Church, of which there are many thousands.

II. That said Joseph F. Smith is the President of said Church and trustee in trust thereof and that he transacts the business of said Church at Salt Lake City in Salt Lake County, in said State; that Joseph F. Smith, in the name of said Church, and at other times in his name, a trustee in trust for said Church, and sometimes in his own name, for said Church, unlawfully transacts secular business with the use of the funds of the said Church, held for Church purposes.

III. That said Church is a religious association embracing all the members of that sect and religious denomination; that it exacts annually from its members one-tenth (1/10) of their gains or incomes; that said tithings and contributions are paid to said Church for the use and expenditure by it in carrying on its religious, moral, educational and other purposes, such as building and repairing temples, houses of worship, printing of scriptures, and for the relief of its poor, and towards charitable objects; but that the same cannot lawfully be used in mercantile, commercial, industrial business enterprises, or to accomplish or reach any other temporal or secular objects or ends whatever.

IV. That said Church, as plaintiffs are informed and believe and allege, receives, and has received for many years past, tithing from its members for Church purposes, large sums of money, various species and kinds of property of great value; that said tithing received each year for several years past has amounted in value to more than one million dollars (\$1,000,000) a year.

V. That plaintiffs are informed and believe and upon such information and belief, allege that said Joseph F. Smith in the name as aforesaid, has from time to time each year since his appointment as President and trustee in trust, as aforesaid in September (November), 1901, invested a large portion of said funds arising from tithing so in the hands of said Church for Church purposes, to-wit: As much as five hundred thousand dollars (\$500,000) per annum, said investments were made in various kinds of secular business, industries, enterprises and ventures; that he has invested a large part of the following corporations, or companies, to-wit: Idaho Sugar company, the Salt Lake Knitting company, the Utah National bank, the Lewiston Sugar com-

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Health means everything. In clothes, furniture, etc., if the buyer gets a poor or imitation article, the only harm is loss of money. In buying food-articles, if imitations are supplied, there is a loss of money, and probably an injury to health - which is beyond price

Remember these facts when buying baking powder.

ROYAL BAKING POWDER ABSOLUTELY PURE

pany, the Utah Light and Railway company, the First National bank of Logan, the Home Fire Insurance company of Utah, the Consolidated Wagon and Machine company, the Ogden Woolen Mills, the Provo Woolen mills, the Cache Knitting works, the Logan Knitting factory, the Provo Knitting factory, The Rocky Mountain Bell Telephone company, the ownership and renting of improved real estate and the purchase of large tracts of land in Canada and Mexico, to establish estates and residences for the Church leaders and their families.

VI. That said Joseph F. Smith still continues said investments; that plaintiffs are not able to name the exact amounts of said tithing fund so invested in said corporations or companies, and therefore prays the court to require said defendants to state the respective amounts.

VII. Plaintiffs further aver that they are informed and believe and upon such information and belief allege: That a large fund which has arisen from tithing as aforesaid, to-wit: More than one million dollars (\$1,000,000) was at the time said Joseph F. Smith became president as aforesaid, invested or has since been invested by him in various temporal and secular enterprises and undertakings, among which are the following, to-wit: Zion's Co-operative Mercantile Institution, the State bank of Utah, Zion's Savings Bank and Trust company, the Utah Sugar company, the Salt Lake & Los Angeles Railway company, the Inland Crystal Salt Company, the Salt Lake Dramatic association, the Union Pacific Railway company, the Bullion-Breck & Champion Mining company, the Deseret News book store; that said Joseph F. Smith, president and trustee in trust, and trustee-in-trust thereof, has from November, 1901, and from thence hitherto continued the unlawful investments aforesaid, and will so continue to do, unless restrained by the court, and continue the said investments unless he is restrained from so doing by the injunction of this court. Plaintiffs are not able to tell the exact amounts invested in said stocks and companies, and asks that defendants may be requested specifically to do so under oath.

VIII. That said plaintiffs are informed and believe and upon such information allege that various persons from time to time, by their last will and testaments or otherwise, have devised, bequeathed and donated, and will donate and will continue to give and donate to said Church real and personal property which said devise, bequests and donations were and will be given for Church purposes; and said Church or its president and trustee in trust had, nor have they, any lawful right to divert said property or money so held to any other use or purpose or to invest it in any secular business, but plaintiffs allege on information and belief, as aforesaid, that said Joseph F. Smith as president, as aforesaid, and trustee in trust, has from time to time, in violation of the trust, pursuant to which said property, donations and gifts were made and held invested a large part thereof, in the stocks and business of various companies as alleged as aforesaid.

IX. That plaintiffs are informed and believe and allege that defendants, unless restrained by the injunctions of this court, will continue to risk and invest the said tithings and other contributions and donations in its hands for Church purposes, unlawfully and without authority, in various enterprises and various classes of business, purely of a secular and temporal nature. Inasmuch as plaintiffs are without any adequate remedy for the wrongs aforesaid, except in a court of equity, the plaintiffs therefore pray that said defendants shall specifically answer all and singular each and all of the allegations, matters and things in the foregoing complaint, as accurately and

fully as if specifically interrogated thereto on the witness stand; that the court will declare the legal duty of said Joseph F. Smith, president or otherwise, with respect to tithing, donations, devises, bequests and gifts, and the purposes for which they may be used, and the duty of said Church and its authorities with respect thereto, and will declare that the same shall be held in trust for Church purposes alone, and that it can only be appropriated and used to and for such purposes; that the court will issue a temporary injunction restraining said defendants from investing said funds arising from tithing or from donations and gifts for Church purposes, in any business or enterprise established or prosecuted for commercial, industrial or business purposes, to obtain pecuniary profit or advantage in business competition or otherwise to reach temporal and secular ends, and that upon the final hearing the court will make such injunction perpetual and mandatory forbidding the continuance of investments that have been made to establish or to prosecute or carry on the secular business or to reach secular ends, finally plaintiffs pray for such other and further relief as to the equity appears.

CHARLES S. ZANE, Plaintiff's Attorney.

State of Utah, County of Salt Lake, ss.

Don Carlos W. Musser and Charles A. Smurthwaite, being duly sworn, depose and say each for himself, That he is a plaintiff in the foregoing complaint, that he has read the same, and knows its contents and the allegations, matters and things therein contained are true of his own knowledge, except as to those therein stated upon information and belief, and that he believes those to be true.

DON CARLOS W. MUSSER, CHARLES A. SMURTHWAITE.

Subscribed and sworn to before me this 7th day of April, 1905.

J. W. STRANGEFELLOW, Notary Public.

[Seal]

Spoiled Her Beauty.

Harriet Howard, of 209 W. 5th St., New York, at one time had her beauty spoiled with skin trouble. She writes: "I had Salt Rheum or Eczema for years, but nothing would cure it, until I used Bucklen's Arnica Salve." A quick and sure healer for eczema, dandruff, sores, etc. at Z. C. M. I. Drug department.

Dancing at Saltair tonight, 8:00.

BANQUETERS KIDNAPPED.

Sophomores Entertain Guests on Their Way to Class Dinner.

Last night at the Emery-Holmes cafe the juniors tendered to the seniors the first class banquet in the history of the institution. For a time it threatened to be a banquet without a toastmaster and several of the principal guests, who were delayed in arriving by an organized raid of the sophomore class. Brigham H. Perkins was the first man whose absence was noted, then Albert D. Thomas disappeared from the doors of the cafe, and the banqueters began to realize that kidnapping "stunts" were in order. Finally the 30 guests who had arrived installed a substitute toastmaster and opened the evening with a substitute toast. Soon after that the absent ones strolled in one at a time with a tale to tell of slip knots and handkerchiefs over the eyes, and long journeys that ended in the vicinity of Fourteenth east and Second South, where they were liberated to return to their friends.

Apart from the amateur Kidnapping incident, the banquet was one of the enjoyable events of the college life of each of those present. A spirit of tender regard for the Alma Mater was shown by pledging loyalty to it in the years that follow graduation was the sentiment of the toasts, which were brilliant and witty in each instance. The evening's program was as follows: Toastmaster, B. A. Perkins; Louis Seckles; Juniors, Garnett Attridge; "The Gals," Henry Boyer; "Pores," Leonard Cahoon; "Arts," J. X. Gardiner; "Engineers," Virginia A. Bush; "Professors," Perry Fox; "Actors," Elbert D. Thomas.

TEA You can have good tea if you want it, wherever you are. Your grocer returns your money if you don't like Schilling's Tea.

FIVE DIVORCES WERE GRANTED.

Yesterday Afternoon Saw Ten Parties Legally Released From Matrimonial Bonds.

FOUR WERE FOR DESERTION.

The Remaining One, That of Stephens, on Grounds of Drunkenness and Cruelty.

Divorce day—Friday is getting to be quite an event in court circles, and Judge Morse usually has his hands full of default divorce cases for that day. Yesterday the divorce calendar was not called until in the afternoon but the results were almost as great as though the whole day had been taken up with the work, there being five decrees of divorce granted. Four of the plaintiffs in the cases disposed of are women, while only one man had the nerve to ask for a divorce. Here are the decrees granted:

Brown—Laura J. from Leonard P. Brown on the grounds of desertion and the fact that defendant is a fugitive from justice. They were married in this city on Sept. 24, 1903, and in the following April defendant deserted his wife. Plaintiff is awarded the custody of their minor child and allowed to resume her maiden name, Laura J. Goin. Byrne—Elma M. from Thomas Byrne on the grounds of desertion. They were married at Park City on June 7, 1893, and defendant deserted plaintiff in April, 1904.

Fisher—John from Margaret Fisher on the ground of desertion. The parties were married at La Crosse, Wis., on Feb. 8, 1893, and on March 27, 1893, a little over a month after the ceremony, Mrs. Fisher deserted her husband.

Steckling—Anna M. from Carl F. P. Steckling on the ground of desertion. Their marriage took place in Germany on April 28, 1888, and defendant deserted his wife, a month afterward. Plaintiff is allowed to resume her maiden name, Ann Meiers. Stephens—Stella from George Stephens on the grounds of cruelty, non-support and habitual drunkenness. They were married in this city on June 20, 1898.

Dancing at Saltair tonight, 8:00.

ANOTHER TRIBUNE FAKE.

Story That "Mormon" Church About to Buy Idaho Paper Deounced.

That Salt Lake Tribune story, printed on the first page of the morning paper in this city, yesterday morning, in which it was stated that the "Mormon" Church was about to buy the Capital News was one of those journalistic fakes which are so characteristic of a paper conducted on the lines of Tom Kearns' personal organ. It is doubtful if a single one of the Idaho officials and politicians mentioned in the article as hobnobbing with President Joseph Smith yesterday was in Salt Lake City. It is positively known that several of them were at their homes in this city and elsewhere, and were not at all interested in any newspaper deal. The Tribune, under the management of the notorious Frank Cannon, is rapidly losing all the standing it ever possessed as a newspaper.

That Salt Lake Tribune story about the "Mormons" buying the Capital News seems to have originated in a Boise daily newspaper office—and it wasn't the Capital News office either—Capital News, Boise, Ida.

The Boise Statesman yesterday, under the headline, published a raw pipe dream from the Salt Lake Tribune to the effect that the "Mormon" Church is after the Boise Capital News, and that Gov. Gooding, Republican State Chairman Brady and other Republican politicians are parties to the deal. The article is reprinted on another page, simply as a contribution to the gaiety of the fell activity of the Statesman in trying to put the governor and his friends at all interested in any newspaper deal. The Statesman (either as a corporation or by some individual member of the company) owns a block of Capital News stock which has been offered to the Dubsistes, to Republican politicians, to the "Mormons" and to the anti-"Mormons." It probably knows, too, that the price is so high that it would be impossible to get any sane man to consider it. The late pipe dream is therefore rather remarkable. Gov. Gooding was in Boise all day yesterday and has not been out of that city for days; Chairman Brady was in Pocatello all day yesterday and hasn't been away for a week. We don't know where Rulick and Gibson were, but feel well satisfied that they were not dining with President Joseph F. Smith in Salt Lake nor negotiating for a bare control of a newspaper at a figure that would be exorbitant for the entire outfit and govt. will. Everybody knows that the Salt Lake Tribune is heart and soul in the anti-Dubsiste movement and would do anything to discredit Idaho Republicans and none know it better than does the Boise Statesman.—Pocatello Tribune.

Dancing at Saltair tonight, 8:00.

ANOTHER NEW TOWN.

Use to be Opened Up Twenty Miles North of Oakley.

That Idaho is to have a new town of considerable importance in the near future, is the good word brought down from Cassia by Elder William T. Jack, president of that stake. The town will have its location 20 miles north of Oakley and will afford a splendid opening for homeseekers and business men. Already 200 applications for town lots have been filed and the sale of these will begin May 1. Maj. Reed of Halley has decided to erect there a \$30,000 hotel and as there are good prospects for a reservoir in Goose Creek canyon, just out of Oakley, the outlook for the establishment of a prosperous settlement is all that could be desired. Just now the Snake river is being bridged between the proposed town of Heyburn and the new town of Burley, and this will open up a highway that is bound to benefit both sections. In fact, the whole country is experiencing a reawakening, and where a short time ago there was nothing but prairie lands, hundreds of homes now dot the plains and lend an air of activity to the scene.

Dancing at Saltair tonight, 8:00.

STATE MEDICAL BOARD.

New Officers Elected and Certificates Issued to Successful Applicants.

The state board of medical examiners met yesterday afternoon and re-organized. Dr. E. S. Wright was chosen as president; Dr. R. W. Fisher, secretary; Dr. A. S. Condon, treasurer; Eli A. Folland, clerk. The other members of the board are Dr. A. C. Ewing of Salt Lake; Dr. Straup of Brigham; Dr. Budge of Logan and Dr. Olsen of Murray. Certificates were issued by the board to the following applicants who took the regular examinations several days ago. Medicine and surgery: Leroy L. Pugnire, R. W. Fraser, Burleigh Linebaugh, Leander Skinner. The following received certificates to practise obstetrics: Melinda Sidmore, Anna E. Wells, L. E. Pitts, Ann Perry, Ida Rogers, Isabelle Rounly, Samantha T. B. Foley, Adria N. Keller, Maida Smart, Eleanor Williams, Margaret Fisher, Edna L. Hertz, Mary J. Cliff, Henrietta Hug and Mary Collard.

Dancing at Saltair tonight, 8:00.

Keith-O'Brien Co. Exclusive Tailored Suits. One of the Best Values Ever Offered for the Money. These Suits, correct in every style-essential, are for Women and Misses. The Women's Suits are of imported Venetian, Panama and Shepherd's Plaid, in blue, black, brown, green and garnet; redingote styles and blouse effects; plaited sleeves with turn back cuffs; full shawl collar trimmed with silk braid. The skirts hang perfectly. Worth \$25.00 and \$30.00 for . . . . \$19.75

Expert Corset Fitting. Redfern Corsets. It gives unusual satisfaction to introduce the Redfern Models to our valuable clientele, with the assistance of Madam Greatrix, who is a corsetier of note. She will be found in our corset department, and will discuss the new figure and the points necessary to produce the contour required by the Directoire and Louis XV modes, which will be the height of style during the coming fall season, as well as other leading favorites. Redfern Models are known to all who have a knowledge of fine corsets as the one make supreme in corset fashion. Particular dressers realize that the corset is the secret of their figure style and for that reason pay it special attention. We, too, know the value of discrimination in corset selection and have therefore picked the Redfern Model as showing the strongest style and quality evidence. When making this choice we secured the services of the madam, a successful corsetier, trained by the designer of the Redfern Models, who each year spends a season with the corsetiers of Paris and is thereby eminently qualified to instruct on all that pertains to the making and fitting of corsets. She will talk on corsets generally and the Redfern Corsets in particular, without charge. A fitting will be given if requested. It will be an exhibition of expert corset fitting and the ladies are cordially invited to be in attendance.

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