

SUIT FOR A RECEIVER

Western Hardware Company's Creditors Want Assignment Set Aside.

ALLEGATIONS OF FRAUD

AND UNLAWFUL PREFERENCES TO SOME OF THE CREDITORS.

Fraser & Chalmers vs. Crane and Remington on Trust—An Old Lady Bounced Out of Her Entire Savings—Three Cases Argued and Submitted in the State Supreme Court—Court Callings.

The Colorado Fuel and Iron company and the New York Belling and Packing company, limited, have entered separate attachment suits against the Western Hardware company.

WANT A RECEIVER.

The Colorado Fuel company has also entered suit against the Western Hardware company, and O. W. Moyle, assigns, in which it is proved that the assignment was made in the knowledge of fraud, and that a receiver be appointed.

It is alleged that the assignee is a lawyer and knows nothing about the hardware business, and that he has publicly offered to sell the stock of the company for a sum far below its actual value.

It is also alleged that the assignment was made for the purpose of defrauding creditors of the company and that the preference to the Provo Commercial and Savings Bank in the sum of \$3,000 was made to give Reed Smoot, president of the bank and a director of the hardware company, a personal preference.

It is also alleged that the preference to McCornick & Co. for \$15,000 is fraudulent, and that the assignment was made to give Reed Smoot, president of the bank and a director of the hardware company, a personal preference.

The plaintiffs are creditors of the company in the sum of \$1,500.83, and they ask that the assignee be required to show cause why a receiver should not be appointed.

The hearing on the motion was set for Wednesday next.

A Patent Gas Generator.

The trial of the case of Fraser & Chalmers against Charles Crane and W. H. Remington was commenced yesterday before Judge Street and a jury, Messrs. Bennett and Harkness appearing for the plaintiff and Messrs. McCallum and Hoppage for the defendants.

The plaintiffs sued to recover \$1,841.03 with interest from April 1, 1884, alleged to be due for machinery, fittings and fixtures for a certain gas producer furnished and delivered to one W. F. Hannes by plaintiffs between October 25, 1882, and April 1, 1883, defendants, it being alleged, having agreed in writing on October 25, 1882, to assume any contracts for Hannes for said gas producer to the amount of \$2,000.

The defendants, in their answer, alleged that they agreed to assume the contract for the fixtures and materials for and the construction of a patent gas producer, of which Hannes was the patentee, but instead of making a machine like the one patented by Hannes, it is alleged, the plaintiffs constructed a totally different machine, without the knowledge or consent of the defendants.

It is also alleged that by false and fraudulent representations the plaintiffs induced Hannes to give a receipt of approval and acceptance for the machine, wherefore defendants prayed that they be dismissed from the suit.

The hearing was in progress at the hour of adjournment.

Short Orders.

J. Oberfelder vs. W. H. Wallace et al.; leave granted to file second amended complaint.

Frank Thompson vs. J. G. Jacobs; demurrer to complaint withdrawn and fifteen days allowed to answer.

Evelyn Glassman vs. J. B. Cummock; demurrer to complaint overruled and twenty days to answer.

Nola Carlsen vs. John M. Cannon et al.; demurrer to complaint argued and submitted.

S. F. Walker vs. S. L. Driving Park association; judgment for the plaintiff for \$84.72.

AN OLD LADY BOUNCED.

Two Film Flammers Do Her Up to the Extent of \$38.

A case in which it appears that an old lady of slender means was bounced out of every cent she has in the world by a couple of swindlers was brought to the today by attorney yesterday.

The lady kept a small bakery shop at 176 West South Temple street, and recently a couple of young men, going under the names of Fleming and Burns, frequently called at the shop and represented that they were engaged in the manufacture of rubber stamps, which yielded big profits.

The men, after a good deal of persuasion, induced the old lady to sell out her stock and little fixtures and to hand over to them the sum realized, \$38, for an interest in the rubber stamp business. After receiving of the case, Fleming and Burns never showed up again, and Sheriff Hardy and County Attorney Whittemore were consulted.

Investigation showed that the men bought scalper's tickets for Salt Lake City, with the intention of using them as far as Denver and there collecting the rebate, and left this city on Thursday.

The film-flammers occupied a room at 221 south First West street, and but little else is known of them.

The amount is so small that it would hardly pay to institute search for them at Denver and it is thought, therefore, so that it is likely no action will be taken.

The old lady is, however, left absolutely destitute by the heartless couple. She has a daughter residing in Kansas and it is likely the county court will arrange to send her there.

Court Callings.

A complaint was lodged in Justice Selis' court yesterday, charging Roy Mayne with appropriating a gold watch to the value of \$35 belonging to Marion Swobe.

The trial of Phoebe Felcher on a charge of maliciously damaging the furniture of a room she occupied in the Conway boarding house, was begun before Justice Harvey yesterday.

When the case was about half over the parties agreed to a compromise, by which the defendant was to pay Mrs. McEwen, the proprietress of the Conway, \$12 for the damage done, and to pay the court cost, amounting to \$9.45, and on this basis the case was dismissed.

The rules of practice in the district court of the Third judicial district have been printed and bound in neat form

DEMOCRATS CONFIDENT

Five Municipal Ward Conventions Held Last Night.

THE PRECINCT OFFICERS.

CANDIDATES FOR CONSTABLES AND JUSTICES OF THE PEACE.

The Attendance Was Large in Each Ward and the Delegates Were Enthusiastic—A Little Brush in the Fifth—At Brighton.

The Democratic delegates from the five municipal wards of the city, elected at the primaries on Tuesday night, met last evening and nominated a constable and a justice of the peace for each ward, and elected municipal ward committees where vacancies occurred.

The attendances were good and the meetings were characterized by enthusiasm and confidence.

First Ward. The first ward delegates met in the annex to the Ninth ward meeting house, Mr. S. E. Allen called the meeting to order and O. H. Pettit was elected chairman, with Fergus Coakler secretary. S. E. Allen proposed Judge W. W. Gee for justice of the peace, and he was nominated unanimously.

And then the fun began. The nominations for constable were Taylor, Riley, Adam Duncan and L. B. Holmes. J. S. Darke wanted to know if the men proposed were taxpayers. He said he had seen enough people holding office who were not taxpayers, and he proposed that the nominees all paid their taxes regularly, which proved satisfactory, and then the voting commenced.

There was some trouble among the delegates in the fifth ward, relative to whether alternates or proxies should take precedence. Two delegates had sent proxies and one alternate was present. After a warm discussion in which A. T. Wells and others took an active part, it was decided that proxies be allowed to vote and the alternate was shelved.

The vote, when counted, showed Democrat 74, Holmes 16, and Riley 10, and Mr. Duncan was declared the nominee.

The old campaign committee holds over in this ward.

Second Ward. Morris Sommer simply had a walk-over in the second municipal ward convention last night. Not enough opposition developed to make the fight for the nomination of justice of the peace interesting. And this speaks well for the ex-commissioner's popularity when it is taken into consideration that the nomination is made by the voters.

Constable B. E. West came off the victor on the first ballot.

The convention was enthusiastic and harmonious. H. D. Polson, chairman of the organizing committee, called to order and Dr. Mattie Hughes, Cannon presided at the secretary's desk. Without much delay J. H. Bailey, S. A. Kenner, Thomas W. Green, Edward Taylor, Thomas E. Howells and B. K. Thomas were appointed as a credential committee, which got to work at once, a recess being taken to facilitate matters.

Before business was resumed Judge Norrell had to respond to loud applause for a speech. The judge said party issues out west were so one-sided at the present time that there was nothing to talk about. Silver was the party issue and he urged everyone to vote for the party of the people.

"Why don't they have any jollification meetings out here celebrating McKinley's nomination?" continued the judge. "There is but one place such a thing can be held, and that is in the audience, 'Ogden.' Yes, you are right, such a thing is only possible in Ogden. They know that if they should attempt any such affair in Utah's capital, they would not be able to muster a corporal's guard." (Applause.)

The report of the committee on permanent organization recommended S. A. Kenner for permanent chairman, Taylor for secretary, and J. H. Bailey and T. P. Lewis for associates.

The election of a ward campaign committee was also provided for and before the report was adopted the chairman of each election precinct was constituted an executive committee.

Kenner made a brief speech upon the chair, after which Mrs. Pratt was conducted to her place by Gus Backman and H. D. Polson as a special escorting committee.

Nominations for justice of the peace then being in order, N. V. Jones, in a somewhat extended speech, setting forth the good qualities of his man, named C. Ira Kirby as the nominee.

George D. Shell nominated Morris Sommer, whose decisions, he said, had never been reversed by higher tribunals, and he urged that the voters be second to none, and that the voice for Democracy entitled him to the place.

At the mention of Mr. Sommer's name there was an outburst of applause that foretold the result of the ballot that was to be taken up.

The count showed 121 for the ex-commissioner to 28 for his competitor. In response to loud applause, he came forward and spoke briefly, earnestly and to the point, predicting the election of the entire Democratic ticket from Bryan, the head, to Morris Sommer, the tail.

For constable there were four candidates—Benjamin Guiver, who was named by J. H. Murphy; John Stubbs, who was named by A. E. Bryan; David Johnson, who was placed in nomination by Gus Backman, and B. E. West, put forward by G. B. Blakeley. The first ballot showed 100 for Stubbs, 22 for Johnson, 23 for Stubbs, 6 West, 28. The latter was declared the successful candidate, and after three rousing cheers were given for William Jennings Bryan the convention adjourned.

Sam Levy Clear Manufacturing Co. have the finest cigar ever smoked; they call it the W. J. Bryan; it is made of Vuita Abajo tobacco—a tobacco that is known for its quality.

Awarded Highest Honors—World's Fair, DR. JAMES' CREAM BAKING POWDER MOST PERFECT MADE.

A pure Cream of Tartar Powder. Free from Ammonia, Alum or any other adulterant. 40 YEARS THE STANDARD.

THE SALT LAKE HERALD, SATURDAY, SEPTEMBER 19, 1896.

For the position of constable Maroni J. Gillespie was nominated by Joseph E. Ball, Jr., who made a witty speech, calling special attention to Gillespie's "iron hand" and "long windiness." Walter Lewis seconded the nomination and it was made unanimous by acclamation.

THE SALT LAKE HERALD, SATURDAY, SEPTEMBER 19, 1896.

At the conclusion of the nominations the nominees were called upon for speeches. Mr. Margetts responded in a talk that proved him well fitted to discharge the duties of the office, to which he aspires. Gillespie modestly but emphatically declined to place himself on exhibition.

Fourth Ward. The Democrats in the Fourth last night had a peaceful and dignified time together in the Burlington. Most of the time was devoted to the supplying of credentials by the delegates. They also nominated a justice of the peace and constable without argument or dispute. All but three or four of the delegates were present.

J. W. Henderson was selected chairman of the organization and J. E. Caine performed the duties of secretary.

The nominations of justice of the peace and constable occupied only five minutes. George E. Blair was the choice of Robert McEwan for justice, but before the ballot was taken, Blair's name was withdrawn, with the explanation that he was out for the position of county assessor and collector.

Charles B. Stewart and Joseph F. Simmons were the other nominees. Stewart was chosen on a vote of 23 to 8.

Only one nomination was made for constable, and this was made unanimously. The winner was William Calder. He was nominated by Hon. John T. Caine. At Mr. Caine's suggestion the secretary was directed to cast the whole vote of the primary for Calder.

A vacancy in the municipal ward committee, caused by the resignation of Mr. Walter Jennings, was filled by the Twentieth ward, the delegates from that part of the municipal ward went into caucus to decide on a successor. Mr. James Sabine was the choice, Mrs. Joseph Simmons, his only rival, received only four out of nine votes.

Fifth Ward. There was a good attendance of delegates in the Fifth. J. C. Royal was elected chairman and Alex. McMaster secretary.

The proceedings opened by Dave Levey moving to elect a new campaign committee to succeed the present one, which had outlived its usefulness. His motion was lost sight of and the major vote was cast upon.

On motion of E. J. Day a committee on credentials was appointed and after they had reported all O. K., Alex. McMaster was nominated for the position of justice of the peace by acclamation and elected.

Then Major Levey renewed his attack on the campaign committee and again moved to elect a new committee, but a motion to adjourn intervened and was carried by about 85 to 10, thus terminating the proceedings.

At Brighton. The Democrats of the Eighty-sixth election district met last evening at Brighton, Garden city school house, to elect delegates to the county convention to be held in the Grand opera house, Tuesday, September 22. Dr. J. B. Thomas and J. B. Whipple acted as secretary.

The following delegates were elected: John Gressman, Jennie B. Whipple, Everett Focky, Samuel Sudbury and John A. Mayer.

L. G. Wickersham was nominated for justice of the peace and James Kersey for constable.

Samuel Sudbury, L. G. Wickersham, Jennie B. Whipple, John Mooney and John Gressman were elected a campaign committee.

It's wonderful how much health has to do with married happiness. Sickness affects the temper. You can't be happy nor make others happy if you're ailing. And it's not only your own health that's at stake, but the health of the children. It's because your blood is getting poor. You need richer blood and more of it. Your blood-making organs need to be vitalized by Dr. Stoddard's Golden Medical Discovery. It imparts new power to produce an abundance of the healthy red corpuscles, and gives you a fresh supply of pure, rich blood. It's for everyone whose blood is impure or in a poor, "run-down" condition. It prevents the germs of disease from getting a hold on your system. Every other disease is settled in you if it is driven over by the blood-creating properties of the "Discovery." It is a perfect cure for general and nervous debility, catarrh, malaria, eczema, erysipelas, scrofula, and every form of blood-poisoning. It cures consumption—cure, but even consumption—which has its roots in the blood—is driven out by the "Golden Medical Discovery" (a tan in time). The "Discovery" is the prescription of one of the most eminent physicians and medical writers in this country.

Something to Depend On. Mr. James Jones, of the drug firm of Jones & Son, in Cowden, Ill., in speaking of Dr. King's New Discovery, says that last winter his wife was attacked with the grippe, and her case grew so serious that physicians at Cowden and Panama could do nothing for her. It seemed to develop into Hasty Consumption. Having Dr. King's New Discovery in store, and selling lots of it, he took a bottle home, and to the surprise of all she began to get better from the first dose, and half dozen bottles cured her sound and well. Dr. King's New Discovery for Consumption, Coughs and Colds is guaranteed to do this kind of work. Try it. Free trial bottles at Z. C. M. I. drug dept.

Buckley's Arnica Salve. The best salve in the world for cuts, bruises, sores, ulcers, salt rheum, fever sores, teeter, chapped hands, chilblains, corns and all skin eruptions, and positively cures piles or no pay required. It cures itching and restores the circulation or money refunded. Price 25 cents per box. For sale by Z. C. M. I. drug dept.

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Office, Park Terrace, Third South, 58, Salt Lake City, Utah State.

PHILLIPS & CO. COMMISSION BROKERS. GRAIN, PROVISIONS, COTTON, STOCKS AND BONDS.

ROOMS 19 AND 20, WALKER BROS' BANK BUILDING, SALT LAKE, UTAH.

LEGAL NOTICE. IN THE DISTRICT COURT, PROBATE DIVISION, Third judicial district, in and for Salt Lake county, state of Utah.—In the estate of Frederick H. Auerbach, deceased. Notice.—Pursuant to an order of said court, in said matter, notice is hereby given that Saturday, the 19th day of October, A. D. 1896, at 10 o'clock a. m., at the county court house in Salt Lake city, Utah, in the court room of said court, has been appointed the time and place for the hearing of a petition of Samuel H. Auerbach, Gustave Meyer, Theodore Meyer and Isadore Meyer, praying for the admission to probate of two certain documents therewith presented, purporting to be the last will and testament, and codicil thereto of Frederick H. Auerbach, deceased, and when and where all persons interested may appear and oppose the probate of said will and codicil thereto, or the granting of letters testamentary to the aforesaid petitioners, as prayed for in said petition.

In witness whereof, I have hereunto set my hand and affixed the (Seal) seal of said court, this 13th day of September, A. D. 1896.

E. STANTON, Clerk. By A. C. REESE, Deputy Clerk. Marshall & Royle, Attorneys for Petitioners.

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FAILING MANHOOD

General and Nervous Debility.

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UNION PACIFIC

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