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DESERET EVENING NEWS.

5 O'clock -EDITION.-

TRUTH AND LIBERTY.

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LONDON BUDGET.

Almost Divided Between Constantinople and New Market.

ANOTHER CHAMBER OF HORRORS.

The Will of Miss Alboni, a Remarkable Document—Turner's House at Chelsea.

LONDON, Oct. 12. [Special London Letter, Copyright 1895 by the Associated Press.]—The attention at the world of politics has been entirely turned toward Constantinople during the past week, while the interest of the world of fashion and sport has centered at New Market, especially on Wednesday, when Mr. V. J. Blair's chestnut colt, Sir Hugo, won the Cambridgeshire Stakes, and yesterday when Mr. Leopold de Rothschild's colt, St. Frusquin, captured the Middle Park plate, the greatest event for two-year olds, owing to the fact that so many Derby candidates were entered for it.

NEW MARKET GATHERING.

The gathering at Newmarket was quite and decidedly aristocratic, in spite of the fact that the weather was cold and cheerless. There was a strong number of royalty and nobility, and the latest fashions in ladies' Bond Street were prominently displayed. The Duke of Cambridge had his usual shooting parties on the Six Mile Bottom. The much invited guests have been out shooting during the mornings and have afterwards spent the afternoons at the races. Report has it that they have scored enormous "bags" of pheasants.

The Prince of Wales is understood to be much disappointed at the performance of Portloe II on Wednesday last, since the royal entry finished fourth in the race for the Cesarewitch Stakes, and he is said to be equally put out at the fact that his colt Portsmouth could do no better than to come to grief in the struggle for the Middle Park plate yesterday. The prince, it is stated, had been very confident of winning the Cesarewitch, and his father, the Duke of York, was present at Newmarket, anxious to see the result of using his father-land the Prince of Portloe II. But both the prince and the duke were doomed to disappointment. The former, however, apparently received it as course with as much as possible, for after the race yesterday he started for Warwick castle, on a visit to the earl and countess of Warwick. The latter, first as Lady Brooke and later as Countess Warwick, has had no peer at the head of her list of admirers for many years past and is still one of the great beauties of England, though she has a son 13 years old.

The prince will remain the guest of the earl and countess of Warwick until Monday next.

The list of guests invited to meet the duke of York at Doncaster last week included the earl and countess of Warwick.

SOLD IN SCOTLAND.

The weather in Scotland recently has been very cold for this time of the year, and it is understood that Queen Victoria has been driving about Balmoral and its neighborhood at late hours in the afternoon in an open vehicle, to the dismay of those who are constantly dwelling upon the aging and apparently daily increasing feebleness of her majesty.

MORE CHAMBER OF HORRORS.

LONDON, it appears, are now excited by such a new attraction—a floating chamber of horrors, which promises to over the chamber of horrors at Mme. Tussaud's famous wax work exhibition. This floating exhibition of terrible happenings of the past is an old convict hulk, the Success, which recently arrived here from Australia, after a voyage of six months' duration and which is moored at Blackwall, while being prepared to receive the public. The Success has been used for criminal purposes in Australian waters for years past, but just as she was upon the point of being dismantled, she was purchased from the government by speculators and brought to this country.

The hulk is over a hundred years old, and is the only one remaining of the terrible floating prisons established by the government of the colony of Victoria from 1850 to 1855 as a result of the discovery of the gold fields of Bendigo and Ballarat, and the subsequent rush to the colony of adventurers, many thousands of desperate, lawless men of nearly all nationalities. Naturally crime, for a long time, was more frequent, and housekeepers and others thrived upon the rewards committed along the roads by the lucky diggers who had to make their way home with their newly-acquired wealth. In fact these lawless elements eventually became so bold that they attacked the government escorts guarding the consignments of gold sent from Ballarat, or Bendigo, to Melbourne and other towns.

When the bushrangers were captured they were treated with the utmost severity, and upon conviction were sentenced to long terms of imprisonment in the prison hulks, which were stationed in Hobson's Bay, Melbourne. On board these vessels a most terrible system of discipline prevailed; in fact, the superintendent, the then inspector general of naval establishments, a son of a Scotch peasant, Sir John Price, was known to death by a gang of convicts who rushed upon him, determined to kill the inventor of the much hated system of control, some idea of which may be gathered from the following facts:

Each convict had his "history" recorded on the door of his cell in the hulks and many of the most notorious rebels were in one institution. Attempts to escape were frequent and were frustrated, although the convicts, being heavily ironed, those who were successful even like kings of land to stretch upon. Many of the prisoners whom no amount of punishment could subdue, were continually cursing and yelling in the most horrible manner. Whichever way the visitor turned there was something to shock the eye or ear. There was want of space for bodily exercise, a total absence of any kind of any useful occupation and almost total isolation from all the usual habits of mankind. The narrow walls of the cells were the limits for exercising the body, except that the prisoners were allowed on the deck for one hour daily. At night the dashings of the waves against the sides of the hulk added to the dire misery by the shouting and swearing of the most unruly convicts, who never seemed to desire to sleep or be willing to permit others to rest.

On board the success, when ready for inspection, wearing figures of the convicts of the past will be shown in their usual attitudes and coarse garb, in the cells they at one time occupied. Notably among these will be the figures of the notorious "Captain" Melville, who for several years haunted the country between Ballarat and Melbourne, to the terror of gold fields diggers, attempting to make his way from the gold fields to the latter city. He was credited with many murders and countless robberies, and when finally arrested he admitted that the proceeds of his crimes must have footed upon quite a quarter of a million dollars, which he claimed he had hidden in a place known to himself alone. As a result for forty years since people have been trying to wain to find out where Melville hid his ill-gotten gold. As he was in the habit of riding to the tops of Mounts Buffalo and Austin, from which points of vantage and by the aid of a powerful field glass he was able to spy the returning diggers, it is believed that the treasure must be hidden in some neighborhood of those places, but all attempts to find it have proved fruitless.

When, after trial and conviction, Melville was confined on board the Success, he watched his opportunity and at the head of a number of other desperate men, suddenly rushed upon the boat, killed the keeper in charge, and succeeded in putting away from the hulk in safety, although fired upon by all the hulks and warships in the harbor. He was soon recaptured, however, and at his trial defended him all brilliantly, delivering a speech of great power and impressiveness, during which he dilated in burning words upon the horrors of the penal system in Van Diemen's Land, and concluded with a sensation by its publication in the newspapers of Melbourne that a monster mass meeting of citizens was called and resolutions were passed in favor of abolishing the convict hulks. Indeed, the popular feeling aroused against them was so strong and general that the government was compelled to commute the death sentence imposed upon Melville to imprisonment for life. He was transferred to the jail at Melbourne, where, according to the official report he committed suicide. The unofficial version of the affair was that he was strangled to death by a keeper during a struggle when the desperate man made for liberty.

Every side of convict life in the old days on board the hulk will be depicted upon the Success, especially the different modes of punishment, and the speculators who have purchased her expect to reap a small fortune as a result of their stroke of enterprise.

REMARKABLE WILL.

The will of Mme. Alboni (Maria Marmia Alboni Shegat) who also bear Ville d'Avray for the last twenty years, has just been proved, and its contents have attracted much attention in and out of the world of amusement. It is quite a remarkable document. After leaving her jewelry and some sums of money to her relatives, friends and retainers, orphans and invalids, and remembering her butler, cook, three women and chambermaid, the will continues, saying:

"I desire a thoroughfare to the second chase, and to be known as the only last resting place by forty male orphans and fifty female orphans, to each of whom twenty francs by way of gratuity shall be given. These orphans shall be selected by the manager of the charity department and bureau de bienfaisance of the eighth district according in concert. I desire no publicity of any kind with reference to my death. Letters announcing the fact only are to be sent a few days after. I bequeath to the town of Lugo, Italy, the portrait in oils of Rossini, in order to carry out a wish expressed in past times by the great master. I established myself in France, at Paris, in 1847, and in all circumstances I have found in that adorable country the most sympathetic reception and the most perfect courtesy, in one word, as a woman and as an artist, the French have always treated me with the greatest consideration. I wish therefore to show my gratitude for the same. For this purpose I bequeath to the city of Paris 10,000 francs of three per cent rente to the French state, which will go to form savings bank books of 250 francs each. These books shall be inserted and distributed annually by way of encouragement to work to pupils of both sexes having attained the age of 13 years (without distinction of nationality or religion) who attend the classes of the public and gratuitous schools maintained by the city of Paris at the rate of two books for each district, one for the boys and one for the girls. I bequeath to the charity department of the city of Paris the sum of 100,000 francs, in order to found, maintain in perpetuity in my name, Alboni, in one of the hospitals of the city of Paris, two beds (or more if the sum should permit) which shall be set apart exclusively for persons of Italian nationality without distinction of occupation or religion."

Mme. Alboni appointed her husband universal legatee, subject to the disposition, and added:

"It is by similar and following that supreme, and leave all others executors, as I have acquired all the fortune which I possess, and I shall quit this life with the sweet thought of having disposed of the same in such a manner as to encourage and console."

Following upon the purchase, for use as a museum, of the house formerly occupied by the late Thomas Carlyle, at Chelsea, and the successful accomplishment of that undertaking, it has been proposed to purchase the house formerly occupied by Turner, the great English painter, which is also located at Chelsea. The first idea was to convert the Turner house into a museum, but that proposition, well under way, was suddenly killed by the fact that some person wrote to the Times throwing doubt upon the statements that the house was really occupied by Turner, and hinting that if he did stay there for a time, it was for purposes other than those of art. The price asked for the property was $7,500 and a party had also got contracted to pay this sum for the property in order that it might be converted into a Turner museum, but the information conveyed in the communication to the Times was more than the party referred to could be expected to bear in order, and she promptly withdrew her offer to supply the funds for the purpose. Since then, however, it has been definitely established that the house at Chelsea was really Turner's residence, and steps are again being taken to purchase the house and convert it with others adjoining into refuges or homes for the unfortunate land-scape painters. There seems to be a prospect that the latter plan may be adopted.

DURRANT AND A REPORTER

The Origin of the Story of the Mysterious Envelop.

The Accused Man Still Confident that His Innocence Will Be Established.

SAN FRANCISCO, Oct. 12.—The story of the mysterious statement of Durrant, sealed in an envelop marked "to be opened if I am convicted," brought forward so prominently by District Attorney Barnes, does not seem to worry the defendant or his lawyers so much as it angers them. Durrant himself is not only wrathful, but professes to be greatly surprised at the conduct of the reporter, upon whose testimony he thinks the prosecution will rely to establish its point.

"I do not like to say anything against a woman," said Durrant, "but my disappointment is so keen that I cannot keep silent.

"The reporter has been kind to me in many ways—has given me repeated assurance of belief in my innocence, and has often said that I had her prayers for a speedy termination of this terrible nightmare. She has repeatedly sought expressions of opinion from me. Adhering to an iron rule of not denying or modifying anything whether for or against me, I always gave her the same answer. My time had not come to talk.

"At a recent call she detailed this dramatic para about my having written a mysterious something which I put in an envelope with a strict injunction distinctly written on the outside, that it be returned to me in case of acquittal, or opened in the event of conviction. These stupid stories astonished me, and realizing how much talk they would make I asked her, as a special favor, that she make no mention of it in any way, either to the press or the prosecution. She readily consented to my request and even went further.

"'If you doubt me,' she said, 'get your pride.' I took that dear book and gave it to her. She placed it on the ticket door and solemnly swore that she would make no mention of it.

"Imagine my surprise when the district attorney asked me about that envelope. It was not true! I cared about the story. It was not true. I had nothing to fear. So little did it impress me after I supposed it was relegated to oblivion, where it belonged, that I had almost entirely forgotten it.

"I wrote a statement, it is true. Everybody knows that. It was made public, but somewhat garbled. There was nothing mysterious about it and no envelope in it.

"The papers and the people," continued Durrant, "talk of my coolness—my nerve. It is not my fortitude in the hour of darkness, it is my all-abiding faith in God that sustains me. I have faith in His goodness; that He will protect me because I am innocent of these frightful crimes.

"Dr. Graham," the prisoner branched off, "I have always looked upon as an honorable fellow and I cannot think but that he will tell exactly what occurred at our meeting. Surely what he said and what Dunnigan has tattered for hard cash must be confounded.

When Dunnigan came here with Graham, he told me he was a correspondent for an eastern paper and was anxious to set me right in the Eastern papers. As I was not consenting to interview, I had to decline his flattering offer.

"The district attorney has made considerable sport of my ignorance of the word alibi. I had never been interested in things criminal; I had never read a trial, the word was as strange to me as if it had been Sanskrit. After my arrest, I heard the word several times, wondered what it was and did not ask, as I knew it would make me appear ignorant. The conversation soon instructed me."

Durrant does not appear to take much stock in the general opinion that the district attorney hurt the case of the defense when he probed so deeply into the matter of the time in the light coat, who, Durrant swears, gave him the clew that sent him to the ferry. The detectives of the defense are inclined to make light of this part of the matter. They have established to their own satisfaction the identity of the unknown who, they claim, tapped Durrant on the shoulder and started him for the ferry.

The mysterious person, they say, was nothing more than one of the officers of the police department of the city and county of San Francisco. They argue that for some days prior to April 12 the name of Durrant had been joined by the police with the mysterious disappearance of Blanche Lamont. Carrying out the idea, one of the men in citizens clothes, who had seen Durrant, was detailed on the afternoon of April 12 to accost the suspect, wherever found and to give him a "tip" which would lead him to the ferry, where another man would have an opportunity to see whether or not he came, and if he did to watch him closely and report his actions.

That is the theory the defense has figured out. Captain Lees denied it.

WARLIKE MEASURES.

Submarine Mines Placed in the Dardanelles by the Sultan.

AMMUNITION SENT TO THE FORTS.

Four Hundred Armenians Said to Have Been Killed in the Riots at Trebizond.

CONSTANTINOPLE, Oct. 12.—Advices from Trebizond say 200 persons were killed or wounded during the rioting there between Turks and Armenians. A communication made public by the Turkish government states that the Armenians at Trebizond attacked the Mussulmans before the authorities could intervene and fifty persons were killed or wounded on both sides. The Armenians at Rodosto, Armenia, also tried to attack the Mussulmans, but they were prevented by the police. During the disturbance an Armenian was killed by a policeman.

The Russian government has cancelled the order for the dispatch of a war ship to Trebizond, owing to the representations of the Russian consul there that it might lead to further excitement and disorder.

The list of the Armenians left the churches at Stambul in which they sought refuge, in the presence of the dragomans of the different embassies, the government having promised that the refugees should not be molested. No Armenians were arrested. The dragomans received an ovation from the Armenian population.

The sultan has sent a message to Sir Phillip Currie, the British ambassador, expressing his satisfaction at the success of the measures taken by the ambassadors to save the Armenian churches of the refugees. Later Sir Philip Currie had an audience with the sultan, and at the latter's request, Admiral Hoy was sent to Beshika Bay, near the entrance to the Dardanelles, to survey the sites for mine.

Three vessels laden with ammunition have been sent to the forts at the Dardanelles, and it is now known beyond doubt that the work of laying submarine mines in the straits has commenced.

FOUR HUNDRED KILLED.

ATHENS, Oct. 12.—The Greek consul at Trebizond, Armenia, has sent a report to his government that 400 persons were killed or wounded during the recent conflicts there between Turks and Armenians.

Caught in Bering Sea.

SEATTLE, Washington, Oct. 12.—The Indian sealing schooners, Columbia, Dashaka and Bering Sea, have arrived with 544, 592 and 651 skins respectively, and the James G. Swan is at Port Townsend with 1,060. Considering that these catches were all made with spears in Bering sea they are extraordinary for this year.

The Pope's Sympathy.

NEW YORK, Oct. 12.—A special to the Herald from Rome says:

The secretary of the Anglo-Armenian society has been received by Cardinal Rampolla, who has assured him of the deep sympathy of the pope with the Armenians.

Work of the Fish Commission.

WASHINGTON, Oct. 12.—The fall work of the fish commission will soon begin. The commission has been unusually successful with the salmon eggs on the Pacific Coast this year. In the early run over 7,750,000 eggs were collected at Baird station, California, more than double the entire number taken last year. The fall run will begin next week.

Experiments are being made looking to the introduction of the steel head trout of the Pacific coast, a very game and edible fish, into Lakes Chautauqua, Huron and Superior.

Made an Assignment.

NEW YORK, Oct. 12.—J. B. Brewster & Co., incorporated, manufacturers of cartridges, made an assignment today for the benefit of the creditors, to John A. Garver. The officers of the company are: Joseph C. Smith, president, H. Schuyler Tucker, treasurer and secretary.

For The Purpose of Fishing.

NEW YORK, Oct. 12.—The steam yacht Oneida, with President Cleveland on board, is anchored in the sound off Sands Point, Long Island. It is thought the yacht stopped there for the purpose of fishing.

A Friend of Great Gone.

LEXINGTON, Ky., Oct. 12.—Gen. Wm. L. Saunders of Lancaster, Ky., a veteran of the Mexican and Civil wars, a personal friend of Gen. Grant and a man of attainments, died last night, aged 68.

War in Abyssinia.

MASSOWAH, Abyssinia, Oct. 12.—Italian native troops attacked 1,300 Abyssinians in a strong position near Beselisi. The latter fled, having twenty killed and a number wounded. The Italian troops lost eleven killed and thirty wounded.

THEY MAY FIGHT YET.

No Law Against Prize Fighting in Arkansas, it Seems.

LITTLE ROCK, Ark., Oct. 12.—Governor Clarke's letters to Judge Duffie, Sheriff Hopt and Dan Stuart, together with the telegrams to Jim Corbett and Bob Fitzsimmons, given publicity by the Associated Press, are subject of much discussion here today. The sentiment here and at Hot Springs is overwhelmingly in favor of the contest. It is well known here that, personally, Governor Clarke is not violently opposed to the proposed contest. It is quoted as having said recently that seventeen-twenths of the people of Arkansas wanted it; two-tenths were indifferent and all the clamor against it came from the other tenth of the population. When Judge Duffie brought the matter to the governor's attention officially, however, he was obliged to act, and at once began a close investigation of his authority. He discovered that the act of 1891, making prize fighting a felony, never passed. The two houses could not agree and the bill was sent to the conference committee. When the report was presented to the house it was adopted, simply by a viva voce vote, the ayes and nays not having been called. As the law of 1893 provides for amending this act, it seems there is no law on the subject of prize fighting in this state. The law relating to riots, unlawful assemblages, etc., passed in 1893, could perhaps be brought into requisition to cover this case, should the governor deem it necessary to go to extreme measures. By the law the governor is authorized to call out the militia without waiting for a request from sheriffs from the local authorities, and is empowered to expel with force all disturbers of the peace. In this connection it is an interesting fact that since the legislature refused to appropriate money for the maintenance of the state militia, nearly every company of citizen soldiers in the state have disbanded. The correspondents and advocates of the prize fight have in Alderman Dunn one in the Hot Springs committee, and believe the match will be brought off.

DISTURBANCES AT SEOUL.

American Marines Landed to Protect the Legation.

WASHINGTON, Oct. 12.—Admiral J. Carpenter, in command of the Asiatic squadron, cabled the navy department today that the affairs in Seoul are in a very disturbed state and the officers of what is known as the "king's party" have been refugees in the United States legation building. It is reported, Admiral Carpenter says, that the queen of Corea has been assassinated. At the urgent demand of the United States charge d'affaires at Seoul, Admiral Carpenter says that a marine guard at the entrance Yorkinsa to the barrier Chemulpo, was sent to Seoule for the protection of the legation and American interests generally. As a further protection he ordered the gunboat Petrel to proceed from Chefoo to Chemulpo without delay, and she started this morning. The orders to the Petrel require her to cross the Yellow sea, and it is expected she will cover the distance in three days at most.

Can Fight in Mexico.

AUSTIN, Tex., Oct. 12.—A well known sporting man in this city says there is not one place on the American continent where the Corbett-Fitzsimmons fight can be pulled off, and that is New Laredo, Mexico. He says that three weeks ago the Florida Athletic club signs papers to have the fight in the Bull ring at New Laredo and up to this hour have not asked for release from the contract.

Sentenced to Death.

FREEPORT, Ills., Oct. 12.—Frank W. Harris, professional baseball player, who murdered Charles W. Bengel last May, was found guilty today and sentenced to be hanged.

Taylor's Sentence Modified.

PIERRE, So. Dak., Oct. 12.—The supreme court today handed down a decision in the case of W. W. Taylor, the defaulting state treasurer. The sentence is cut down to two years and is to begin on August 14.

Earthquake in South Dakota.

DENVER, Oct. 12.—A special to the Times from Lead City, S. D., says: At 7 o'clock last evening the central and north central portion of the Black Hills felt an earthquake shock. The windows rattled and the houses rocked, but there was no serious damage. The shock was felt over a region thirty-five miles square.

Will Forfeit His Bail.

MUNICH, Oct. 12.—Leon Stern of New York, who for an alleged insult to Baron Von Thengen, deputy commissioner of Ryn, at Ludwigshafen, was sentenced to pay a fine of 600 marks and undergo two weeks' imprisonment, says Stern will forfeit his bail, 6,000 marks, (about $19,000) and not again be able to visit Germany.

Col. Dunham Dead.

WASHINGTON, Oct. 12.—Col. Hampton R. Dunham died here yesterday, aged 68. He was born in Ohio, and was related to the Blaine and Ewing families. He went to California in 1848 and was one of the Bacher relief party which carried provisions across the mountains to starving immigrants. He was first mayor of Leavenworth, Kas., and a member of the first Kansas legislature.

Murdered Her Brothers.

NEW YORK, Oct. 12.—A special to the World from Colfax says: To prevent her pilferings from being discovered by her parents, a fourteen-year-old girl, daughter of a laborer in Bainbridge, murdered three little brothers.

Gold Scare in London.

LONDON, Oct. 12.—The stock exchange has been excited the past week by speculation in gold shares, which lately become quite reckless and led to a great increase in accommodation bills, drawn upon London branches of continental banks. The London banks finally refused to discount these bills. The fear that this action would lead continental and London banks to contracting accommodation resulted in a heavy fall in nearly all departments. The scare lasted till Wednesday afternoon when buying in behalf of Paris and South Africa led to a recovery. But the market is still restless.

Sale of the Atchison.

ST. PAUL, Oct. 12.—Judge Caldwell said this afternoon that the exact date for the sale of the Atchison railway cannot be fixed until Attorney George Peckham, now in this city, returns to New York, but the sale probably will take place in the latter part of November. An arrangement has been made whereby the property will be turned over to the purchasers on the day of the sale.

A Pittsburg Shortage.

PITTSBURG, Oct. 12.—Sensational developments continue as a result of the investigation of the affairs of the city attorney by the sub-committee of the city council. The auditors have already figured out a shortage of $100,000, and it is said the end of the investigation of his auditors will not be for days. He discovered that the act of 1891, making prize fighting a felony, never passed. The two houses could not agree and the bill was sent to the conference committee. When the report was presented to the house it was adopted, simply by a viva voce vote, the ayes and nays not having been called. As the law of 1893 provides for amending this act, it seems there is no law on the subject of prize fighting in this state. The law relating to riots, unlawful assemblages, etc., passed in 1893, could perhaps be brought into requisition to cover this case, should the governor deem it necessary to go to extreme measures. By the law the governor is authorized to call out the militia without waiting for a request from sheriffs from the local authorities, and is empowered to expel with force all disturbers of the peace. In this connection it is an interesting fact that since the legislature refused to appropriate money for the maintenance of the state militia, nearly every company of citizen soldiers in the state have disbanded. The correspondents and advocates of the prize fight have in Alderman Dunn one in the Hot Springs committee, and believe the match will be brought off.

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THE COURT WAS BUSY

More Marital Woes Aired in Divorce Suits.

BURGLAR SENT TO THE PEN.

$4,500 Asked for Damage by the East Jordan Canal at Draper—Other Business.

The divorce element was brought forward in the Third district court today, before Judge Merritt, by the calling of the case of Kilmarine Jacobs vs Levi Taylor Jacobs. Mrs. Jacobs said her husband was able to work, but would not, and had done nothing for her support the past year. She had contributed to her husband's support by providing him with clothing. She was tired of this, and wanted a divorce. Her testimony being corroborated, the decree was granted.

Lewis P. Kelsey, the defendant in the divorce case of Sadie M. Kelsey vs L. P. Kelsey, was brought into court this morning on a writ of attachment for refusing and neglecting to pay the alimony ordered by October 10, also upon the order to show cause why he should not be restrained from disposing of his property, set for hearing today.

Colonel Ellis, for the defendant, made a motion to dismiss the injunction proceedings against Kelsey. Mr. Varian objected to the defendant being heard on that proposition, as he was in contempt and in court on writ of attachment.

Judge Merritt—I will hear the contempt proceedings first. If this man has not complied with the order of this court to pay the money, I will know the reason why.

Colonel Ellis then moved that the contempt proceedings be dismissed. He claimed that the affidavit on which the attachment was issued was insufficient. Colonel Ellis said the proper procedure was an order to show cause why the defendant should not be punished for contempt, and not an arrest upon attachment, as had been done. There was no showing that a demand had been made on the defendant to pay the money, and the defendant would not be in contempt.

Mr. Varian made reply, pointing out that the defendant had admitted to having property, and had never made any contest upon that point. When the order for alimony and costs of suit was made, his attorney declared, in open court, that he would be ready to meet proceedings for contempt. As to the point raised that a demand should be made, it was not a demand sought to be enforced here, but an order of court, which was complete in itself, and needed no demand from a private person to be made effective. Under the law this defendant was in contempt, and the burden was on him to purge himself, or bear the consequences. The question here was whether the proceeding should be quibbled all through this term of court, to enable the defendant to avoid the court's order.

Colonel Ellis replied, reiterating his claim that facts sufficient to describe the contempt had not been set forth.

Judge Merritt stated that the court had made the order in the hearing of the attorney and of the defendant—

Colonel Ellis—The defendant was not in court.

Judge Merritt—He knew, and the whole town knew. If he cannot pay, he is entitled to make a showing to that effect. If he does not do so, the order of committment will issue.

Colonel Ellis then stated that for many months the defendant had not had money to meet his liabilities, and was now unable to obey the order to pay alimony and costs of suit. The defendant wanted time to make the showing.

Judge Merritt—I gave the other side a week, and I will give you the same time. Both of these matters will be heard next Saturday.

The case of Catherine Horseley vs Clem Horseley was in court again today, on an application to modify the former decree regarding the personal property made at the time the divorce was granted. There is a dispute between the parties as to which owed the household goods used by them while they were husband and wife. It was asserted that after the defendant had mortgaged his property and hypothecated the household goods to raise the $600 alimony and $114.50 other costs, and had paid over the full amount, two vans drove up to the Horseley house and took away the household goods under the claim of Mrs. Horseley that it belonged to her. The court said that the household goods were community property, and a modification of the decree could not help the defendant. "If the old woman got the start of the old man with the household goods, the court cannot help it. She had a right to handle the community property." The further explanation was made on behalf of Mrs. Horseley that she had taken only the property which belonged to her.

Lavina A. Heidel vs Chelous W. Heidel was the next domestic quarrel brought forward. The parties were married in Missouri in 1873. The wife charges that her husband has failed to provide for his family because of his idleness and dissolute habits, and that over a year ago he deserted her. There are five children. The husband denies the failure to provide and the desertion. Mrs. Heidel testified that her husband had not lived with her the past four years. He left her because he would not support the family. During the last year they lived together he had given the family about $5. Three years ago, the support he gave was $15 for the year. Two years ago it was $10. The next year he gave $5, and a suit to each of the boys, who had worked for it. She had supported herself and family by her own work and by help from her relatives. He has not been a sober man all the time for many years. His often came home intoxicated. When sober he was a peaceful man, but not when he was drunk. She had pleaded with him to stop his drinking habit, as that was the cause of all the trouble, but he would

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WITH THE RAILWAYS.

The Cut in Passenger Rates is Declared Off.

One Train West From Ogden—Stubbs Says the U. P. Needs Two Trains, But the S. P. Doesn't.

The great passenger rate war in Utah is at an end, and people from Ogden to Sanpete must now pay the usual fares in traveling over either the Union Pacific or Rio Grande Western. At 6 o'clock last evening the cut rates were withdrawn by mutual agreement between the railway officials. The Union Pacific claims it has not got the worst of the fight, and the R. G. W. expresses pleasure at the way it came through the contest. Of course the traveling public are pleased, and as all the parties to the recent procedure are happy, it is not unreasonable to hope that another outside contest will be inaugurated at some future time when many people desire to visit Salt Lake.

The railway situation in other respects, however, is not in such amicable condition. The San Francisco Chronicle of Thursday, October 10, says: In spite of President U. P. Huntington's amicable declarations to the contrary, the Southern Pacific has been considering the advisability of withdrawing one of the daily trains on the Ogden run. It is said that the company has about made up its mind to limit the service to one train a day after November 10th.

Vice President J. C. Stubbs said: "There is no reason in the world why we should run more than one train a day to Ogden during the winter time. The train leaving here at 6 p. m. accommodates all the first-class passengers, and the same train, westbound, which arrives at 9:45 a. m., brings all the first-class passengers from Ogden. There may be one or two first-class passengers on the other train, but they do not amount to anything. Now, if we abandoned one of the two daily trains to Ogden we could do so without curtailing or impairing the service. But we would be obliged to carry the second-class passengers on the local train. I asked the Union Pacific people if they would arrange to get their second-class passengers to Ogden in time to connect with our first-class train. They said no. They always say so, but they can. They think because they run two trains that we should run two trains."

UTAH CREAMERIES.

Ten of Them Established the Last Summer—Doing a Business of $100,000 a Month.

In conversation with H. J. Faust Jr. today that gentleman gave some interesting information concerning the creamery business of this Territory. From the figures he gives it will be seen that it has increased at a very rapid rate during the last year. During the summer, for instance, ten modern creamery plants have been established in Utah and all are now in successful operation. He states that commission merchants receive an aggregate of more than $100,000 per month and more than $1,200,000 per year.

Mr. Faust has personally supervised the installation of most of the new plants and is now representing the Creamery Packing and Manufacturing company of Kansas City and Chicago which yesterday opened up a fine branch house with a full and complete stock at 129 West First South street.

COMMITTED TO THE ASYLUM.

"Curley" Walker Adjudged Insane by Judge McNally Today.

Curtis William Wallace, or "Curley" as he is most commonly called, was before Judge McNally today and ordered committed to the insane asylum, and that over a year ago he deserted her. There are five children. The husband denies the failure to provide and the desertion. Mrs. Heidel testified that her husband had not lived with her the past four years. He left her because he would not support the family. During the last year they lived together he had given the family about $5. Three years ago, the support he gave was $15 for the year. Two years ago it was $10. The next year he gave $5, and a suit to each of the boys, who had worked for it. She had supported herself and family by her own work and by help from her relatives. He has not been a sober man all the time for many years. His often came home intoxicated. When sober he was a peaceful man, but not when he was drunk. She had pleaded with him to stop his drinking habit, as that was the cause of all the trouble, but he would

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Kindergarten Tea.

A kindergarten tea will be given at the residence of Mrs. Dr. Wilcox, of the Seventeenth ward, on Monday afternoon next, between the hours of 2 and 5 p. m. The affair is for the benefit of the Utah Kindergarten association and its many friends and patrons are to be on hand and make it the success it deserves to be.