(Continued from Page One.)

DONOVAN'S STORY.

Mr. Lipman asked an unimportant question which Attorney Zane objected to as leading. Mr. Lipman argued the legislation and Commissioner Stephens becoming impatient said that there must be a question of personal rose Era.

Attorney Lipman (pacifically)—Well, let the young man (Mr. Zane) object in a proper manner.

Attorney Zane—That is the way I do object.

Commissioner Stephens—Well, let this talk stop right now. We must proceed in an orderly manner.

Attorney Lipman (persistently)—I want to do that but I also want to educate my part of the examination in my own way and object to counsel dictating as to such matters—he cannot run the whole city government to all its departments, including the investigation.

Commissioner Stephens (sharply)—Well, stop now—

Attorney Lipman—I don't propose—

Commissioner Stephens (growing warmer)—Stop now, right now.

Mr. Lipman bowed to the order and the investigation continued.

SMOKING AND SMOKY CONDITIONS.

Fireman Riley had seen the chief smoking a cigar close to the apparatus floor of Station No. 1. He was not in uniform. Fireman P. J. McDonald said when the chief visited the West Side department that he had cigars and low toned conversations with the lawyers. The principal reason for the discord and trouble was the overbearing manner of the chief towards his subordinates and the taking away of the privileges they were enjoyed.

THE ASSISTANT CHIEF'S TESTIMONY.

When Assistant Chief Donovan was called there was a stir in the audience and a general craning of necks. He was first queried by Attorney Lipman and refused to answer, saying "I object to giving testimony in this case except by the full and free permission and request of the board. There have been differences between myself and the chief but they are now adjusted and I do not care to agitate them."

Chairman Jennings—Well, the board wants to hear all it can in this case. We certainly want your testimony.

Witness—Very well.

Asked as to how often the chief visited Station No. 1 he replied that he did so sometimes every day or two and sometimes not for a month or more." The arrangement for the dinner was too bad at that station, have told my wife more in charge of the expenses, the others being out at lunch.

Judge Powers—Outside of those two reasons what reason would properly prevent dinner late in that family to suit of Riley?

Witness — None not what they would get from the citizens.

The witness had been wholly passed by when he met the chief on the street and in the office when he had a word to say. He never the monthly recognized officers in any way until the matter was taken before the board and then he was never recognized or consulted as second officer in the department in any way. The chief had shown favoritism among the men. He would let some of them have days off and other times it is impossible to get such concession.

Cross examined by Attorney Zane—Did you ever smoke in the apparatus room?

Witness—I didn't know that I was being investigated.

Judge Powers—O, answer the question.

Witness—Yes, I have.

Attorney Zane—How often has the chief talked to you?

Witness—Of several times.

Attorney Zane—Well, how often?

Witness—On the street and in the office.

Attorney Zane—Did you ever fail to salute the chief?

Witness—Yes, sir; I have failed to do so.

Attorney Zane—Why?

Witness—Because I got tired of being ignored and not known upon.

Witness then denied he stated that he knew anything about the charges preferred against the chief which he read from in the newspapers. He did not refuse to sign the charges nor did he say that he would be afraid to sign them the billed made possible publicity of anything of that character or the reason already stated, that he knew nothing of them. They were not drawn up, presented or read in his office or sleeping apartment so far as he knew.

Commissioner Stephens then put the witness through a long course of questioning as to what service could be obtained from the apparatus of the two stations and how it could be made most effectual.

USEFUL APPARATUS.

C. E. Hudson, a local accident insurance agent, testified that the wheels of hose wagon were very useful. The same was true with reference to other apparatus in the department. His company, however, has not asked increased rates on the policies issued to the men on that account.

A recess was here taken until 1 p. m. today.

This Afternoon's Session.

H. P. G. Coates, fire insurance company, testified that the amount paid as insurance money on the Walker Clothing company fire was about $5,000. The loss was mainly from water. Witness had talked with Chief Devine in regard to his relationship to the insurance men. The latter, the chief said had opposed him and he didn't think he was particularly obliged to them in the way of awarding contracts. Under cross-examination Mr. Coates says Mr. Devine has made no statement above referred to some two or six months ago, in front of the hall where the investigation was now being conducted.

REPORTS OF OTHER CITIES.

Judge Powers here introduced as evidence the fire department reports of Washington, D. C., Seattle, Toronto, Minneapolis, Atlanta, Richmond and Duluth, to show the number of men employed on the aerial trucks of those cities. Washington had 12, Toronto 7, Minneapolis 15, Atlanta 8, Richmond 15, Duluth 11, Seattle 8. Chief Devine on similar tracts in his organization of his men showed but four, a number the judge thought wholly inadequate.

CAPTAIN DONNELL.

Captain Donnell, manager of the Salt Lake Board of Fire Underwriters, has called and related the functions of his office. He knew nothing of the work of Chief Devine at fires and had only heard of his conduct through others—his evidence was all hearsay. The insurance companies would increase the rate of insurance unless the department was kept up to the former standard of efficiency. There had been no communication between his office and that of Mr. Devine in regard to insurance or the matters. The only time they had talked together on any question of importance to both was concerning an alleged case that certain business houses were carrying large quantities of powder and other explosives within the city limits. The witness never knew how Chief Devine had heard a report of departmental work for the year 1894, and had never heard of it until he was called upon to testify.

FIRE LINE SECTIONS.

Fire said the witness was the sections. At times they were very frequent and at others they were not. They occurred much more frequently in hard times than in good. There had been a good many conflagrations since 1887. Take the last few years—fires, the origin of which would only be conjectured—never found out.

ATTENDING THE HORSE SHOWS.

Judge Powers—Captain, what is the general reputation of Mr. Devine as a fire chief so far as efficiency is concerned?

Captain Donnell—Well, that would be hard to answer. It is the general impression among business men that some branch of the department is wrong—perfectly so. There is something the matter with either the chief or the men. Business men feel that the department is not up to its old time standard.

Judge Powers—What is the impression of business and insurance men in regard to Mr. Devine's capability?

Attorney Zane (emphatically)—Hold on. We object to that kind of questioning.

Judge Powers—Well, I object to your objection in the chief's behalf.

Attorney Zane (vehemently)—Hold on. We certainly want your testimony.

Witness—Very well.

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INSTANTLY KILLED.

R. W. Kidder, of Park City, Falls from a Scaffold.

His Leaves a Large Family—His Remains to be Sent to Iowa Tomorrow.

A telephone message received in this city from Park City today brought the news of a sad accident which resulted in the death of R. W. Kidder, of that place, about 8 o'clock this morning.

It appears that Mr. Kidder had erected a scaffold to do some work at his place, and in some way he slipped backward off of the scaffold and fell to the ground, breaking his neck.

Some of his relatives, who live in this city, went out to Park City today and it is expected that the remains will be shipped to Lowa, the home of the deceased, tomorrow morning. He leaves a large family, and has lived at Park City about four years.

From the Southern States.

Elder Oliver De Mio returned today from a mission to the Southern states, to which he was sent May 15, 1893. On arriving at Chattanooga he was assigned to the Cherokee conference, where he labored the two years he was in the field. He found the people very hospitable and many interested in the Gospel, though the sons of the prophet are indifferent. There is an improved condition in the states, now, giving good prospects for the future. Elder De Mio had good health and enjoyed his labors in preaching the Gospel. He will continue his journey shortly to his home in Monroeville, Washington county. He was accompanied on his journey to Utah by Elder C. L. Layton, of Kaysville, Davis county, who is returning honorably.

Police Court Fines.

Police Court Clerk James today turned over to the city treasurer the sum of $1,416, that being the amount of the fines for the month of June.

Wonderland.

Burton Stanley's young dancer, Miss Lena Dawn, arrived in town from Portland yesterday afternoon. The spectacular production of Columbus, which is the most ambitious piece yet staged at the Salt Lake house, will be produced for the first time on Monday evening. Daly's big white dancing, Miss Rose Rolfe is the specialty part of Jacobin, and Madge Pacheco is the Queen of Sheba. Prohibition, together with an enlarged ballet, Columbus promises to be a money maker.

KILLED BY A TRAIN.

E. G. Williams Knocked Down and Run Over.

Shortly after two o'clock yesterday afternoon E. G. Williams was run over by a train in the Rio Grande Western freight yards. Mr. Williams was was yard clerk at the yards, while attending to his duties got in the way of a train. He was struck in the back and thrown to the ground. All of his ribs on the left side were broken and his arm was almost severed from the body. His face was also crushed. He was put on a train and brought to the Holy Cross hospital in this city, and died a few minutes after reaching it, and before anything could be done for him.

The remains were taken to Joseph W. Taylor's undertaking rooms, and were sent to Ogden this afternoon. Mr. Williams was 34 years of age, married, and lived with his parents on High twenty street in Ogden.

An invincible combination—purity, strength and wholesomeness at Dr. Price's Baking Powder.

OGDEN.

OGDEN, UTAH, - JUNE 29, 1895.

Ogden Items.

A large number of people attended the open air concerts given in Lorenzo Park by the Aspen, Colorado, band and the Ogden's brass band. The reception given to the people was cordiale and appreciative.

Yesterday afternoon Eli Williams, paid clerk at the Rio Grande Western, was knocked down by a switch train, his left arm was run over and he was otherwise injured. He was taken by a special to Salt Lake City.

Wellsville and Ogden played a game of baseball yesterday afternoon, the result being 17 to 8 in favor of the latter.

A marriage license was issued to Charles F. West of Salt Lake City, aged 22, and Miss Clara E. Peters, aged 22, of West Mill Creek. They were married by Judge Ferrin.

A suit has been filed with the clerk of the Fourth district court by the Studebaker Bros. Manufacturing Co. against F. A. H. Mitchell et al to recover a mortgage for $1,305 with interest at the rate of 8 per cent from June, 1893.

Eighteen cars of low grade ore from Nevada are shipped through Ogden the Colony, Cal., beet sugar company to be reduced.

PROVO.

PROVO, UTAH, - JUNE 29, 1895.

FIRST DISTRICT COURT.

New Developments in the Jackson Pass Case—Motion to Dismiss the Appeal Denied.

Judge King presided in the First district court this forenoon.

The case of Spanish Fork City against the East Bench Irrigation & Manufacturing Co., which was continued about a week ago till today, was taken up and further evidence introduced.

J. G. Sutherland and F. S. Richards, representing the city, introduced in the case of Fort Lake City et al vs. J. R. Callaway et al, and David Evans, H. G. Edwards, Ira W. Rockwell and Charles De Mille, representing the defendants, were in attendance.

As soon as the Jackson Pass case is disposed of, it is the intention of the attorneys for plaintiff in the above case to move for a dismissal of the affidavits commenced and to ask for Benjamin as trustee for in the original complaint. This is the case wherein Salt Lake City and various Salt Lake county irrigation companies brought suit against a large number of land owners in Utah county, Walter Sayl and Brigham Young Utah Lake, seeking to get adjudication against the Utah county land owners, enjoining them from bringing suits against plaintiff for damages resulting from injury to property by the overflowing of Utah Lake, the water of which is fresh and not salty as the water of Salt Lake. The action was begun by filing bills in equity, praying a restraining order against the defendants, and the court issued the order, which was served on the defendants. After hearing evidence and argument, plaintiff asserted that the defendants were entitled to damages for the injury done to their property by the overflowing of Utah Lake, and that they were entitled to have the waters of Jackson pass turned into Utah Lake