

two days after the money was loaned and the note and mortgage made, Frank A. Grant and his wife, Isabella J., conveyed the mortgaged property by warranty deed to Joseph P. Bache, the being recorded June 30, 1892, after the assignment of the note and mortgage to Mr. Donaldson. "Then," continued the complaint, "on July 20, 1892, said defendant, Joseph P. Bache, without the authority of plaintiff, and intending to cheat and defraud this plaintiff out of his said note and mortgage and said \$2,000 and the interest thereof, falsely and fraudulently entered upon the records of said mortgage in the county of Salt Lake, Territory of Utah, a false and fraudulent discharge and satisfaction thereof, which was unknown to plaintiff until October 1, 1895, which false and fraudulent discharge and satisfaction was in words and figures as follows, to-wit:

Salt Lake City, Utah, July 20, 1892.

No. 56,375:

"I hereby satisfy and discharge this mortgage of record, and declare the indebtedness secured thereby fully paid.

(Signed) JOSEPH P. BACHE.
"Attest: John H. Ramel Jr., recorder, Salt Lake county, Utah Territory."

The complaint then states that at the time of such pretended discharge and satisfaction, Joseph P. Bache falsely and fraudulently represented to the recorder that the mortgage had been paid, and relying upon that statement had altered the discharge; also that at the time such discharge was made Mr. Bache held title to the property, and the discharge was in his favor. Subsequently, on July 5th, 1894, it is asserted, Joseph B. Bache and his wife Lettie D. Bache, made a trust deed to Glen Miller, as trustee for Hercules MacCord, for the property, to secure a note of \$1,400, and that this deed was taken with full knowledge that the former cancellation of the mortgage was fraudulent and void.

Later, on the 12th of last July, the land was deeded by Bache and his wife to Arthur B. Mulvey. This conveyance, the complaint says, was without valid consideration, and was made with full knowledge of the former transactions.

Upon this statement, Mr. Donaldson asks that the cancellation of the mortgage be set aside as fraudulent, that judgment be given in his favor for \$2,000 and for \$350 interest and \$100 costs; that the trust deed in favor of Miller and MacCord and the deed to Mulvey be declared subsequent and subject to the Donaldson mortgage; that a foreclosure of the Donaldson mortgage be decreed, to the exclusion of all other claimants, until the claim under the first mortgage is satisfied; and that pending the action a receiver be appointed to take charge of the premises.

Mr. Bache is now absent from the city, and it is not known just when he will return. This is but one of a number of transactions wherein it is said his financial affairs are badly complicated. His business with the government as clerk of the Territorial Supreme court is said to be all in good shape.

NEWS NOTES.

James Keelan, who lives on the south side at Onyenne, got drunk Saturday and tried to kill his wife, Mary Keelan.

He pounded the woman up in a brutal manner and made an attempt to murder her with a butcher knife.

A new railroad line to Cripple Creek is the latest. The projectors say it is sixty miles shorter to Denver than the first line.

The barbers of Oakland are agitating the Sunday closing matter and they are being helped in their struggle by the ministers of the place. They propose to form a union to assist them in obtaining one day's rest out of the seven.

Clothes-line thieves visited Mr. James Gatherum of the Fifth ward, Provo, last Friday night and made a rich haul of shirts, underwear and other apparel. A valuable dog was poisoned to prevent interference with their work.

Powell, the man who killed the young lady at Fruita, Colo., because she refused to marry him, was sentenced to the state penitentiary for life at hard labor. He plead guilty to murder in the second degree and got the full extent of the law.

California is rapidly adopting petroleum for power purposes. The oil is in use in Southern California in such plants as those in the Chino beet sugar works, 3,000 horse-power; the Los Angeles City railway, 1,500 horse-power, and other plants down to two or three horse-power.

Deating, New Mexico, Headlight: If all of the newspapers in New Mexico would devote more space to the upbuilding of their respective communities by setting out the unlimited advantages, and less to politics, when there is no occasion for it, the benefit to the Territory would be inestimable.

Henry W. Harvey, a cyclist of San Francisco, attempted to cross an electric street car track about 100 feet in advance of an approaching car on Sunday morning. His wheel struck an obstruction and flew out from under him, landing the unfortunate man on the track in front of the swiftly moving car. He was instantly killed.

Chung Chew, a jeweler at 615 Jackson street, San Francisco, and Wong Chow, a property owner in Chinatown, had a dispute over money matters about 9 o'clock Sunday night. Chew shoved Chow through a glass door in his jewelry shop, and cut an artery in Chow's wrist. The latter was taken to the receiving hospital and Chung Chew was charged with battery at the California street station.

C. A. Russell, incarcerated in the county jail at San Francisco for horse stealing, made his escape from that place on the morning of August 31st. He has many times been heard of since at different localities, but it was not until last week that he was caught, and then only after he had received a bullet in his left shoulder. When he escaped he was hampered with an Oregon boot and he carried the heavy weight by means of a sort of suspender made from his jail blanket.

Helena Independent: James Leonard, an old time Montana miner, has just struck ore in the Soo of Erin claim, located at Robinson, four miles from Castle. He has been working on the property alone ever since the fall of 1887 and has driven 150 feet of

tunnel, besides other prospecting shafts and drift. He thinks he has made one of the best strikes of the year, the ore having assayed 131 ounces of silver and 9.7 per cent lead. He has found but one vein and has a vein of remarkable thickness.

Henry Levy, who has an office in the San Francisco Union building, has gone crazy over the Durrant case considerably aided by the continual excessive use of liquor. Levy has been hanging around the new city hall for several days, claiming that he had positive evidence of Durrant's guilt. For this evidence he wanted \$20,000. Early yesterday morning he went down to the water front and before long was seen to jump off Harrison street wharf. When rescued he said that the moon exerted its influence on him and drew him into the river. He said he saw beautiful sights while in the water, as if heaven's gates had been open to him. Levy will be first treated for the delirium tremens.

Sam F. Smith, attorney for the Fallbrook Irrigation company, at San Diego, Cal., has been notified that the hearing in the United States supreme court will be postponed. The Fallbrook case had been given no formally assigned place on the calendar, but by consent of the judges, was to be joined with the Modesto case, the issues involved being sufficiently related for the purpose. No particulars have been received as to the cause of this action, but the conclusion is that Joseph H. Choate, attorney for the bondholders, has had the matter postponed in order that he may more fully prepare himself for argument. It is not thought probable that the case will be reset until the supreme court is filled by the appointment of a successor to Justice Jackson, deceased, and that may be a long time away.

A short time ago the NEWS related how Mrs. F. Koch, of Los Angeles, Cal., had baffled Judge Owens of that place in his effort to get her into court by going to bed and refusing to arise for the officer to take her to the city hall. It is now stated that on Saturday Mrs. Koch was brought to the police station in her night robe. Some time ago the woman was arrested and fined \$30 on conviction of disturbing the peace. She was given a certain time in which to pay the fine, but ignored the order. Upon three different occasions Judge Owens ordered the police to bring her into court. Friday Officer Dyke went to the woman's house and found her in bed, she claiming she was a very sick woman. The court was not satisfied, and ordered the officer to fully investigate the affair, and, if it was found that she was trifling with the court, to bring her at all hazards. Next day Dyke took up his watch and was rewarded by seeing Mrs. Koch banging out a good-sized washing in the back yard. He made a break for her, but she managed to get inside the house, where she stripped and went to bed. She locked the doors, but Dyke had his orders and was soon inside. She fought like a tigress and refused to dress, whereupon Dyke and his assistants wrapped a blanket around her and brought her in. She now occupies one of the woman's cells, but refuses to dress herself for the court, and Judge Owens is at sea as to what to do with her.