The Evening paper is the paper of Today, the morning paper is the paper of Yesterday.

DESERET EVENING NEWS.

5 O'clock -EDITION.-

TRUTH AND LIBERTY.

FRIDAY, JUNE 14, 1895, SALT LAKE CITY, UTAH. VOL. XXVIII.

No. 172

A SPURIOUS DEED.

Testimony of Peralto Reavis in the Famous Land Claim Case.

AN SENSATIONAL DISCLOSURE.

He Southern Pacific Management, He says, Furnished the Money and the Counsel.

St. Louis, June 14.—A special to the Globe-Democrat from Santa Fe, N. M., says: James Addison Peralto Reavis, who for some days has been on the witness stand in the famous Peralto land claim case, has made admissions of damaging to the Southern Pacific railroad management. His story is not to be abandoned the Peralto grant still a row exists between Tom Scott, of the Texas Pacific, and the Southern Pacific magnates, Huntington, Crocker and others. When the railroad Kent obtained and Scott beat the Southern Pacific out of its land grant, Reavis is said to be willing papers in the Peralto grant might be of some value to the Southern Pacific. He showed them to W. W. Shaw, a well known politician and lawyer of the Pacific coast. Shaw confirmed his impression that he had something the Southern Pacific would like to get hold of. Shaw produced a way Wheeler Reavis and papers reached the inner circles of the Southern Pacific management. The Southern Pacific made a contract to obtain all the money necessary for the prosecution of the Peralto claim, in return for which the Southern Pacific was to have half of the grant. From that time Reavis acted, he said, under direction of the counsel of the Southern Pacific. It was discovered, June, 1892, that the writing deed was useless. Yet in March, 1893, under advice of his counsel, he filed before the surveyor general of Arizona a claim to the grant, based on the writing deed, and the counsel was that of the Southern Pacific. Reavis said he had not told the Southern Pacific people he was satisfied the deed was useless, but he did give him the case of Miguel Peralto as one which gave more hope of success than any other land. He urges the Southern Pacific lawyer to send for Miguel Peralto and get his statement, but the lawyer did not take his advice. Reavis was fined and pushed on the basis of the writing deed. Reavis said he looked Dr. W. W. Gill, of St. Louis, and his name then adopted was about to be fabrication of the writing papers.

Alluding on his testimony of the counsel of the Southern Pacific in getting the grant under the writing deed, Reavis said: "When I presented to a decision on the claim by the surveyor general of Arizona, I did so because I was acting under direction of counsel. I differed from counsel on the question of the withdrawal of the case within the grant from the public domain. I never wished to call a land office claim of that territory."

The trial is still in progress.

Royal Regatta.

SOUTHAMPTON, June 14.—The regatta of the Royal Southampton Yacht club was continued in Southampton east today in unpleasable weather. The Audax crossed the line first, the Niagara last. At Spit, Niagara was six minutes, two seconds behind the racing yacht. The course is 32 miles long.

Ordering Silver Dollars.

DURANGO, Col., June 14.—H. Rizzo, of Howard county, was found over in the savings of counting silver dollars in his trunk of shipping out the "70" in the inscription, making it read "In God We Hath." When examined he stated that he only marked the coins so that he would know them again, for before his street he boasted that it was a thing ridiculo on the issue of 1878, and he did not believe there was any God. He had been engaged in the work for some time.

Killed by Natural Gas.

BEDFORD, Ill., June 14.—A man named Cornell and another man, while digging a well on the farm of Thomas Bailey, at Clear, 12 miles north of this, struck a flow of natural gas, which exploded, killing both men instantly.

TERMS GRANTED TAYLOR.

Everything Save the State Must be Paid to Full.

PIERRE, S. D., June 14.—Attorney Osborn Crawford has returned to the city. The terms granted Taylor in settlement in full for the $344,217 due the state and the surrender of W. W. Taylor. Of the payment $100,000 to be in cash and all property owned by Taylor, consisting of Chicago real estate, including the Southern Illinois New Hotel, mining stocks and South Dakota real estate, to be turned in to Land Commissioner Lochren, the property to be valued by Governor Sheldon, Land Commissioner Lochren, Auditor and Attorney General Crawford, and say enough remaining to be made good by a bondsman. A free pardon was granted Taylor, and he leaves Pierre as a free man. Taylor's friends in the hamlet a fancy agent for Mrs. Taylor, and will leave Chicago or Pierre soon Sunday evening, reaching here Tuesday morning. A special term of court may be called to release him, as he desires to plead guilty and obtain his sentence as soon as possible, that he may not be among the most men August 26, when an adjourned term will be held. Taylor will be on time on the tri-tated steamer Columbia.

Threatened Race War.

CHICAGO, June 14.—A dispatch from Atlanta, Ga., says: Telegrams from Mount Carmel, Ga., tell of a threatened race war. A few days ago Thomas Jones, a noted desperado, was killed by J. W. Fisher and John L. Turner, white mounted officers. The officers kill them and they shot him dead. Hunters was a negro leader in the negroes threaten war. The sheriff and 30 mounted Carmel have sworn to the governor for help and he has ordered the Abbeville Rifles to the scene. That section of the country is thickly settled with negroes and it is feared an uprising there will be grave trouble. The registration has intensified the feelings of the blacks toward the whites.

Reports of the Army Worm.

CINCINNATI, June 14.—About six weeks ago there were reports of the ravages of the army worm in Kentucky but the matter attracted until yesterday when reports came that in Morgan county, Kentucky, cut worms are working in large numbers in young tobacco plants. Similar reports come from Bath county, Kentucky, and Brown county, Ohio. The state committee of agriculture gives the tobacco acreage in Kentucky as 89 per cent and the condition as 98 per cent.

Stevenson a Doctor of Laws.

CHICAGO, June 14.—At the commencement exercises of the Northwestern university held at the auditorium last night, President Henry Hogan announced that the honorary degree of "Doctor of Laws" was conferred upon A. E. Stevenson. Vice President of the United States. There was a storm of applause from the four thousand people present when the announcement was made.

WAS NOT GEAR.

Senator Morgan's Letter to the Nicaraguan Conference.

MEMPHIS, Tenn., June 14.—At the session of the river convention last night a letter from Senator John T. Morgan, of Alabama, was presented but not read on account of the press of business. In it the senator says:

"This convention at Memphis is the natural outgrowth of the great result of the peculiar meeting recently held there under the patronage and approval of our Democratic administration, and I regret that it was presented against the plans so slightly under such auspices in hostility to the established chief of the Democratic party. It should be considered a just reproach to an old-fashioned Jackson Democrat to go outside the party to find a new creed to be gold and silver, or to defend our time-honored and Democratic doctrine as is there mooted, but when the President passes the tolerated and reverses the line with our colors in his hands, it is time to follow him and rescue them from the Japanese position of sheltering a misgoverning administration."

FRENCH PATRIOTISM.

Protests Against Participation in the Kiel Festivities.

PARIS, June 14.—The league of patriots continues to organize meetings and protest against participation in France in the approaching celebration at Kiel in commemoration of the opening of the Baltic and North Sea canal. Yesterday the league passed resolutions calling upon the inhabitants to display flags draped with crape as long as the French ships are at Kiel.

The Fillmoreites Landed.

HAVANA, June 14.—Information has just reached here that the Cuban Revolutionary party landed at Mariel, June 9, W. Cosby, under command of Gen. Carlos Roloff and General Serafin Sanchez, which slipped away from the Florida coast last Tuesday, landed the party with arms and munitions of war at a point near Aguadores, the province of Santiago de Cuba.

Senator Squires Talks.

NEW YORK, June 14.—Senator Squires of Washington, in an interview on the political situation said:

"Harrison, McKinley, Reed and Allison are all safe men. What next year will bring forth in the way of setting up candidates is a matter of some interest. The Silver-Democrats cannot rise yet to do. Reed is an able parliamentarian and a man brilliant mind. Allison is a hard man to beat any man living. It is possible some concessions may be made. Cleveland may not take the stand of an extremist."

MANITOBA'S SCHOOL QUESTION.

A Direct Refusal of the Government's Demand.

WINNIPEG, Man., June 13.—In the Manitoba legislature this afternoon Attorney General Sifton gave notice of a motion setting forth Manitoba's reply to the Dominion government's demand that equitable rights should again be established in Manitoba. It is a direct refusal of the demand. The reply is in the form of a memorial addressed to His Excellency, the governor general of Canada, in council.

It first recites the remedial order and then submits the following:

"That privileges which by said order are now conceded to return to our Roman Catholic citizens, are substantially the same privileges which they enjoyed previously to the year 1890. Compliance with the terms of the order would restore Catholic separate schools, with no more authority and greater efficiency than existed prior to the same date.

"The educational policies enunciated in our present statutes were adopted after very deliberate consideration by the policy heretofore followed, under which the separate Roman Catholic schools (now sought to be restored) had a share in the public school grants, and received public money and public aid. The said terms were said to be sufficient.

"We are therefore constrained to respectfully refer to your excellency the question of your excellency's duty under the oath of office, and say in short remaining to be made good by a bondsman. A free pardon was granted Taylor and he leaves Pierre as a free man. Taylor's friends in the hamlet a fancy agent for Mrs. Taylor, and will leave Chicago or Pierre soon Sunday evening, reaching here Tuesday morning. A special term of court may be called to release him, as he desires to plead guilty and obtain his sentence as soon as possible, that he may not be among the most men August 26, when an adjourned term will be held. Taylor will be on time on the tri-tated steamer Columbia.

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CUBAN CONDITIONS.

Spanish Soldiers Perishing of Famine and Fever.

INSURGENTS' RANKS SWELLING.

A Proclamation by the Revolutionary Committee in Havana, Predicting Victory.

TAMPA, Fla., June 14.—The following proclamation has just been received from Cuba:

Maximo Gomez is in command of 2,000 men. The Marquis of Santa Lucia with the city of "Cuba Libre" has joined him with 1,500 men. Twenty of the most noted continuos of Puerto Principe accompany the worthy son of Camagney. There is no hope for Spain. Reader (general) tested the loading of Relief and his 200 men. He brings munitions of war and 5,000 pounds of dynamite. The landing of Yoss and Sanchez Guerra is confirmed. They bring American provisions. Antonio Maceo has already seven armed leaders (general Maceo with good Maceists is destroying and burning everything within his finds in his way. The liberal Spaniards have been helping to lend their lives and sympathy will be converted when assistance is not received from the government. If Spain is obliged for a second war, Germany will be obliged to substitute the Spanish army, for one would be better suited than Martinez Campos who does not let the people of Cuba know the truth first. They are of danger, for they are without food or clothing under the burning sun in the sandy climate. Thousands of Spanish are perishing in these false prophets who live on the ignorance of the people and the Spanish Government is now sending Martinez Campos has lost already 10,000 men. The soldiers in the city of Havana are in the state of fever and dysentery. Famine stalks through the province of Cuba. In Baracoa and Guantanamo there are 10,000 Europeans in state. Liberal Spaniards, sons of Hugo and Pinto, morrah for liberty, to arms and down with metropolitan government and tyranny. Hurrah for Maximo Gomez.

THE REVOLUTIONARY COMMITTE OF HAVANA.

MORE TROOPS FOR CANOVAS.

TAMPA, Fla., June 14.—Cuban advices received here to the effect that 11,000 Spanish troops will land at Santiago de Cuba, Northern coast of Cuba today, being the second instalment of troops dispatched to Canovas by the home government.

THE RAILROAD LEAVES FOR VIRGINIA.

WASHINGTON, D. C., June 14.—The Raleigh sailed from New York last evening for Key West. She will patrol Florida coast with her launches and boats to prevent any filibustering expeditions leaving.

FATAL BOILER EXPLOSION.

Four Persons Instantly Killed, Others Injured.

The Catastrophe Apparently Due to Almost Criminal Neglect—The Engineer Arrested.

FALL RIVER, Mass., June 14.—The worst catastrophe that has visited this city since the Granite mill fire occurred this morning in Langley Barnes shop, a four story building on the county street. A new boiler exploded in the tenement blowing out the entire end of the structure and allowing the floors to settle into a mass of ruins. There were about forty-five persons, most of them women, at work in the shops, of which Henry J. Langley, proprietor, George E. Barnes, foreman, and seven other employes had been rescued alive up to 9:30. The dames communicated with the police soon after the explosion. The Fremont Hook and Ladder had to remove the imprisoned work people. The shrieks from the girls in the ruins were mingled with the agonized cries of friends. Every ambulance was used to reach the scene. Officers and bosses in the vicinity were turned into temporary hospitals.

Mr. Barnes, a badly charred and scarcely recognizable body of a woman was taken from the ruins. The fire had been extinguished and the work of rescue was carried on with great difficulty. Mr. Mitchell Trip was among those who escaped.

The girl named Jalbert and her sister-in-law were worked side by side on the third floor escaped, the sisters and the other with slight bruises.

Miss Jalbert says there was a terrible report followed by a shock. The roof seemed to lift and then to fall, completely demolishing the building. She and her sister-in-law were thrown into the middle of the road. The latter was badly injured in her face and arms.

The shock broke the windows in Blaisdell's mill and injured several. The harness shop is a total wreck, but the flames are under control.

The dwelling house of Robert Murray were removed. Her house had been made a morgue.

At 1:00 o'clock it was estimated that there were at least thirty killed in the ruins. The third body recovered was that of a woman. It could not be recognized.

KILLED AND INJURED.

MAYOR GREEN announced at 11 o'clock that ten persons were killed and that three still are missing. Only about thirty persons were in the building when the explosion occurred. There will be a coroner inquest and several may die. The fire is still not but the building is smoking and the contents of the ruins is proceeding slowly.

Later it was stated that four were dead: Annie Daley, aged 20, Lizzie Horton, 17, Adolph E. Bellehill, 60, Robert Murray, 22. Four more were seriously injured in the building. Four were carried beyond resuscitation and twelve escaped with barely any injuries. Engineer Le Pore has been arrested. He says the boiler was first prepared and not been inspected for a long time. He says he did want to the boiler some time before the catastrophe.

Charged with Malicious Mischief.

United States Commissioner Greenman today issued a warrant for the arrest of Chris Johnson, charging him with malicious mischief. The complaint was sworn to by F. C. Green, Indian police force in Montezuma's alley, on Pine street, Ute. The defendant was arrested this morning and entered a plea of not guilty, and the trial was set for 10 o'clock tomorrow morning.

Suits Filed Today.

Anna E. Dorr sues Geo. W. Dorr her husband, today begins a suit in the Third district court against Isaiah White for the sum of $25,000. The plaintiff alleges that the defendant, who is a physician, was engaged to treat Anna E. Dorr, and that through carelessness and neglect of the defendant the said Anna E. Dorr her ever since been an invalid. Powers, Straup & Lippman are the plaintiffs' attorneys.

Benjamin H. Hulse begins a suit in the Third district court today against the Horicon Gold Mining company for the sum of $42,000, balance due on a promissory note, with interest from December 1, 1894.

The "Perfect Criminal Record"

Dan Sergeant Mackintosh of the city police force received today from from the hands of the singers a copy of "Mackintosh's Perfect Criminal Record" of which he is the inventor and owner. This will be forwarded to Denver by tonight's express having been delayed by the non-arrival of the department of that city. The work is considered the most perfect record of the kind ever arranged and is made in thematic notes and contains no words whatever. The penitentiary officials here will adopt it in the near future while California state prison officials have also manifested their intention of doing so. It is not unlikely that the work will yet prove a profitable one for Mr. Mackintosh.

FORECLOSURE IS INEVITABLE.

Receiver Egan Sees No Other Course for the Trust Company—A Co-receiver is Obtained.

On his arrival in Denver Receiver Egan of the Oregon Short line confirmed the statement of the possible policy of the Oregon Short Line people the appointment of a receiver was a blank eye for their plans and force chasers is to be the order. Mr. Egan spent Wednesday in Denver, where he saw two bankers, both connected with the Gulf system, leaving for Omaha, via the Burlington at 9:30 last night. His parting remark, according to the dispatches as he boarded the train for home was that "We are not wasting money." Foreclosure is the first thing, judging from what our people have previously threatened, and this I think will be begun at once. The first of the year should see the sale effected."

Speaking of the situation as it stood today, said as the Oregon Short company wants it, Mr. Egan said:

"This is a peculiar case it becomes so much territory is interested. It is vital to Salt Lake, and the city of vast importance to Colorado. Since I came to Denver I have heard an overwhelmingly misguided interest among shippers and railroad men. Yet little is to be strange when all things are considered. With the Union Pacific in control of the Oregon Short Line, Colorado and Utah merchants are practically frozen out of what otherwise should prove a very satisfactory market. There is no competition and an absolute monopoly in the freight business so far as the Union Pacific is concerned. It can not be said that with the Short Line on its own system we should assume the same attitude as the Union Pacific now does, because we do not run a road.

"With the line in our control we would simply have it open to every connection we could make, beginning with one in Utah, one in Colorado, Western, two at Grand Junction, the Midland and the Denver & Rio Grande, and then at Denver with every Eastern line running to here."

Mr. Egan diplomatically declined to say whether he would act as co-receiver with Mr. Bancroft. This is a point the trust company must settle for him, but it is strongly asserted in Denver that he will not do so. Although the interest on three lines, $10,000, has not been paid for two years, and the interest has not even been asked by the bondholders, Judge Merritt insists it shall be paid.

However willing the American Trust company might have been to pay this interest, if given the entire control of the line it is not regarded as likely that it will assume any such burden with a co-receiver. Accordingly the next move anticipated is to see the trust company withdraw Mr. Egan from the co-receivership and demand the keys of the roads with the double penalty of a receiver and the interest payment.

The Union Pacific people need no grieve a short story sleep in this proceeding. They contend that Cassatt's inevitable have no reason for anything at a very high price into a receiver. Montana people, and assert that they losing to but 30 per cent of Missouri river rates. Such a losing rate, we claim here contended, would not be a great one, considering the distance between the river, Colorado and the destination, but they would be able to do business under it. The tariffs show that not one-fifth of the business done, however, is on this losing rate, and that with special and commodity rates eastern rates absolutely shut out California shippers.

NEW MIDLAND FREIGHT RATES.

Receiver Bissing is Going Into the Field for More Business.

The receiver of the Colorado Midland has decided to revise his freight tariff, and as soon as the work can be completed the new rates will be announced. It is stated that the people seem now well on their way to satisfaction, and that while they do not show any radical change, there are substantial to relief some of the line. Anything in the way of sight reduction will be to the benefit of merchants along the route of the road. The revisions will, it is said, be on the way of cheap foreign rates, so that the position of the road will not be altered as related to Eastern shippers. It will be a change for the benefit of Western shippers. No doubt is entertained but that the Denver & Rio Grande will meet the reductions as soon as they are announced.

Freight men all complain that their lines are carrying now no more money than they actually require, but the Midland will be compelled to make some such bid as this for popularity.

TWO TOOELE UNFORTUNATES.

Asylum Directors at Fixes Redress of Cutting Down the Institution's Expenses.

Probate Judge Dr. La Mars, of Tooele county, has been summoned by the board of directors of the Insane asylum at Provo to appear before them and show cause why two unfortunates from Tooele county should not be discharged from the asylum.

Their names are Thomas Orr, of Grantsville, and William Harrison, of Lake Point. They have been inmates of the Provo establishment for several years, but as they are regarded as being harmless, and as the asylum is short of its full number of patients, and cutting down expenses and admitting the two parties named for the county of Tooele to support and care for.

Judge De La Mars came in from Tooele yesterday and left for Provo this morning. His conference with the board will contain a proposition that the parties referred to be retained in the asylum, the county of Tooele being perfectly willing to pay all expenses. It is very probable this will be done.

WILL GO FISHING.

Justice Smith Adjourns Court Until Monday After a Day of Small Fry Cases.

There will be no police court tomorrow. The reason is that Justice Smith will not be here to preside. But he will, instead, be wading the cool and sparkling waters of Big Cottonwood canyon with rod and feet and hook and line and bait in hopes of catching a few innocent and unsuspecting trout.

The judge thinks Big Cottonwood is a good place to go, and he ought to know, because he has been there before. Before adjourning court this afternoon he told Sing Lee, a vicious looking Chinaman, to await the action of the grand jury, in default of $200 bonds for assaulting a fellow countryman who swore off in the name of a Wong.

Among the other offenders were a couple of bill posting boys who were fined $5 each for posting advertising matter on fences. Each of a foreign from the country was fined $2 for leaving a foot of hay standing in the street, while S. P. Godmundsen was arrested for a violation of the milk ordinance.

DID WHAT IT WAS COMPELLED.

That is What Mr. H. G. W. People Claim Concerning the U. P.'s Action.

As was to be expected the Rio Grande Western people did not take kindly to the action of the Union Pacific in announcing the new and materially reduced freight rate schedule.

General Freight Agent Halm of the former road stated this afternoon that the Union Pacific did simply what it was compelled to do in order to ingratiate itself into the good wishes of the public at this very critical time in its existence. Their magnanimity, he thinks, is of the most elaborate kind. Other representatives of the same system despair that so extraordinary a move should be made. Mr. Halm is of the opinion that it will prove a very expensive experiment. To illustrate his views on this point he cited the case that the road established now permits the bringing of first-class goods from Missouri river points to Utah common points for $1.65, while the distance between the Missouri and Denver is $1.60. He thinks it is not unlikely that the Denver business men will be heard to so uncertain time in the alleged discrimination in favor of Salt Lake as against their city. As a result Mr. Halm says further reduction may follow.

Appropriation List Signed.

The appropriation list passed at last Tuesday's session of the City Council has been signed by the Mayor and will be ready for payment tomorrow morning.

Water Rates Assessment.

The five deputy assessors of water rates yesterday began to make the assessments for 1895 and 1896. Joseph Y. Smith, W. S. Thorn, W. F. Miner, J. G. Robinson and Chris Diehl are assessing the respective precincts of the city.

THE SUPREME COURT.

Opinions Handed Down in Two Cases This Morning.

FARRELL GRANTED A NEW TRIAL

Judgment Affirmed in the B. Y. Trust Co. vs Henry Wagner—Cases Argued Today.

The Supreme court handed down two opinions at its morning's session. One of them was in the case of the People of the Territory, respondent, vs Byron Farrell, appellant.

Farrell was indicted and tried for stealing cattle from John Carver and driving them to Ogden. He was found guilty and sentenced to imprisonment in the penitentiary. From this judgment he appealed.

The opinion handed down in the case reverses the judgment of the lower court, on account of errors, and the case is remanded with directions to grant a new trial. The opinion is written by Justice Bartch, in which all the justices concur.

In the case of the Brigham Young Trust company, plaintiff and respondent, vs Henry Wagner, defendant and appellant, the opinion is written by Associate Justice Smith, Associate Justices Bartch and King concurring.

This was an action to recover rent. There was a verdict for plaintiff and defendant moved for a new trial. His motion was overruled and an appeal was taken.

The complaint alleged the making of a written lease of certain premises in Salt Lake City to Winders and Torrione. The rental was $50 per month. It then alleged that Winders had become the assignee of the lease at some time prior to October 1, 1891, to November 1, 1892, and prayed judgment therefor, the amount being $750.

The defendant admitted plaintiff's title to the leased premises, and to the making and assignment of the lease, admitted that he had not paid the rent for the period stated, but denied that defendant had been in possession of the premises since September 30, 1891. He also admitted that about May 1, 1892, he tendered the plaintiff $400, being the rent up to June, 1892, but that plaintiff refused to accept the same, informing defendant that the lease had been forfeited, and that plaintiff had taken possession of the premises. Judgment was entered in the lower court in favor of the plaintiff, and defendant appealed. The judgment of the lower court was affirmed.

CASES ARGUED.

In the first matter taken up for argument today there are two cases, growing out of a family quarrel over the estate of L. H. Jones. The arguments were commenced late yesterday afternoon, and concluded this morning.

The first was the case of H. D. Jones and H. H. Jones, plaintiffs and appellants, vs H. H. Jones, defendant and respondent, and it was appealed from the judgment of the Fourth district court, H. W. Smith, judge. On January 20, 1895, the probate court at Box Elder county made an order appointing H. D. Jones and H. H. Jones special administrators of the estate of L. H. Jones, deceased (pending an appealed contest on the right for general letters.) From the grant of special administration, H. H. Jones twice attempted in a representative capacity as general administrator of the deceased to bring an appeal to the district court. These attempts removed the record of special administration to the district court, and the special administrators moved that court to dismiss the appeal on six grounds, each of which assigned as rendering the appeal invalid by a failure to comply with the rule and statute requirements on the part of the appellant, and gave the upper court no jurisdiction. H. H. Jones made a counter motion to dismiss the proceedings, which was granted, and the first motion denied. It is from that judgment dismissing the proceedings this appeal is taken.

Growing out of this was the second action of the case entitled Rice H. Jones appellant, vs the New York Life Insurance company, appealed from the Fourth district court, Judge Smith presiding.

The plaintiff sued the New York Life Insurance company to collect $5,000 upon an insurance policy on the life of Lewis H. Jones. The defendant answered that H. H. Jones and H. D. Jones each claimed the insurance money as administrator of the estate of Lewis H. Jones, deceased; that it was ignorant of the respective rights of the claimants, and that it was not in a position to settle with either. It asked to be permitted to pay the money into court and be discharged. The order was made and the money paid into court.

The plaintiff claimed that the policy had been assigned to him and that it formed no part of the estate of the deceased.

The court before ordered that plaintiff's motion for judgment on the pleadings be denied and further ordered that H. H. Jones and H. D. Jones be substituted as defendants instead of the defendant insurance company upon the latter paying the $5,000 into court. From this ruling the appeal was taken.

The next case argued was that of the Northwestern Wheel and Foundry Co., plaintiff and appellant, vs the Salt Lake City Copper Manufacturing Co., defendants and respondents. This case is appealed from the Third district court, Judge Zabriskie presiding.

The case was brought in the lower court in December, to recover $4,637.31 with interest, on account of iron castings, machinery and merchandise sold and delivered to defendant and a writ of attachment was issued. On January 30th following the defendant filed a bond to release all the property attached from the operation or effect of the levy made under the writ. The

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