

is involved. The goods were obtained by the thieves in various ways; in many instances seats were broken, while in others hatchets were used to cut a hole in the end of the car through which the men crawled and took what they coveted. Then they reported the car in a bad condition, claiming that the hole had been made by accident. The operations were all the result of a combination. The arrangements were carefully made and each rascal was assigned to his particular part of the work, in much the same way as a

BANK ROBBERY

is conducted by professional cracksmen. I do not know that the members of the combination were oath-bound, or anything of that kind, but it is certain that a thorough understanding existed among them and they acted in concert to sever each other's doings. The things which alarmed as more than anything else was that they stole large quantities of whisky and drank it in the caboose. They needed vessels to hold the liquor, so they stole milk cans and kept it in them not daring to keep the whisky openly in the cars, they tore up the flooring and hid it underneath. The men were continually reported drunk on duty and the probability of disaster was something frightful to contemplate.

ALL KINDS OF GOODS

were stolen, including sewing machines, guns, revolvers, cutlery, silverware, cigars, clothing, liquors, groceries, furniture and in fact every imaginable article that can be carried on cars was quietly removed. The depredations were committed all along the road and the losers reside at points as far west as Denver. "Fences" were established in this city where the stolen property was taken and then sold, the money being evenly divided among the crews. It is impossible to give the aggregate value of the property stolen, but it is claimed now it will not reach \$300,000. The arrests created the

GREATEST EXCITEMENT

among railroad employees of this city. The scenes about the jail doors this morning, where the relatives of the prisoners had gathered to learn the cause of the arrests were of the saddest description. At 1 o'clock ten more arrests were reported. They were captured at the pay car while receiving their wages. This makes a total of 56 now in jail here, and it is supposed many more had been apprehended at other points along the line. Consternation prevails among the proprietors of the "fences" and dens where the goods were secured and used.

FROM FRIDAY'S DAILY APRIL 8.

Bound Over.—At the conclusion of the preliminary examination of the grand larceny charge against P. D. Sprague, Justice Pyper considered there was probable cause to believe him guilty, and fixed his bonds to await the action of the grand jury at \$400. In default of sureties he was taken into custody.

ONE THOUSAND DOLLAR FIRE.

NARROW ESCAPE OF A FAMILY FROM SUFFOCATION.

About midnight last night Sheridan Smith, who, with his mother-in-law, Mrs. Jones, and her family, occupy a six room dwelling at 842 W. South Temple Street, was awakened by hearing a crackling sound, and on investigating the cause discovered that the roof of the house over the part where Mrs. Jones lived was on fire. He called the lady and aroused the rest of the inmates. Mrs. Jones, however, and some of her smaller children failed to answer, so her room was broken into. It was found to be full of smoke, and with some difficulty she and the children were removed. They were

NEARLY SUFFOCATED,

but shortly recovered. The house was by this time ablaze, and several of the neighbors rendered timely and effective assistance in preventing the spread of the flames to a brick residence a few feet away. It was nearly an hour before the fire department was notified and an alarm given, but after it was known the boys did some lively work considering the distance they had to go and the difficulty of securing a supply of water. No idea can be given of the origin of the fire. The family had retired about 10:30 p. m., and there was no fire near where the flames started. The fire must have commenced from the outside, but how is a mystery. The loss falls heavy on the owner of the house and occupants, and will not be less than \$1,000.

THE PRELIMINARY SKIRMISH.

The Case of Groesbeck vs. Meears in the District Court.

THE CONTINUANCE ASKED FOR BY DEFENDANT GRANTED.

The above case came up in the Third District Court before Judge Boreman this morning at 10 o'clock, on the application of the defendant for a continuance of the hearing until the next term of court, he having been previously allowed the privilege of putting in a supplemental answer.

This was so framed as to include statements and stipulations of attorneys, all going to show that a meritorious defense existed and that there was ample cause for granting a continuance without the same being a surprise to the other side or their being taken at unfair advantage.

Judge Sutherland read the supplemental answer, and Thomas Marshall, Esq., on the suggestion of the Court that a showing would have to be made to obtain a continuance, proceeded to read a series of affidavits by attorneys in the case, and of the defendant himself, showing that the case had been fully and fairly represented by him to his attorneys, and that he cannot safely go to trial because of stipulations and the case being set for trial at a time when he was not prepared, and legal points to present which he could not avail himself of, and his attorneys had advised him that on such a showing a trial would not be had; but the Court overruled cross complaint, and they subsequently obtained leave to file a supplemental answer containing stipulations and other material matter, and the Court now requires him to go to trial. He is unprepared and has a number of material witnesses absent, one in Colorado and others in Wasatch and Summit counties; that they cannot prove the same things by other witnesses, and that the affidavit is not made for delay, but that justice may be done.

The other affidavits contained matter similar in substance to the foregoing, and the argument on the motion for a continuance then began.

Mr. Marshall said this was the last working day of this term, and the next term began on Monday. If we are wrong in our stipulations, the case can be heard at an early day. If we are forced to trial without witnesses, it will be a mockery of justice. The gentlemen on the other side will not contend that we have not made a good showing, and will not be taken at a disadvantage. With such a showing, what should be the ruling? Will the Court force us to trial under such circumstances? There are no such interests to be jeopardized on the other side by a continuance as would result to us now by a trial.

Mr. Dickson said the affidavit said the cause had been continued by reason of stipulations; counsel are mistaken; we object to the case taking its place on the law calendar in accordance with its number, and probably go to the foot of it.

Judge Boreman—I can't control that.

Varian—I want to say a word.

Gilchrist—At some convenient time, I would like to have a word.

Varian—I am addressing the Court.

G.—I don't care if you are.

Varian then went on at some length opposing the continuance. His side were not advised till yesterday of the motion for a continuance; they had secured witnesses from a distance by telephone, and they were now here. If the case goes to the foot of the calendar, it may be a year and a half before it can be reached. We want possession, and the Court can enforce that if continuance is made, the same as an order for costs can be enforced. It is not our fault that the case is not tried now, and the Court should enforce these terms.

Sutherland—There has been no formal setting of the case, and its character has not been determined. The issues are now complete for the first time. While we are getting ready are the other side justified in making expenses before anything definite is arranged? The setting was to be determined by Judge Boreman or Henderson and till that is done neither party is justified in making extra expenses. We ought not to be subjected to any hardships now. They should expect that we would not be prepared for trial. Courts may impose terms, among them the payment of costs on a continuance when the other party was ready and had a right to expect trial, but that is not this case. The plaintiffs knew that we relied on the stipulations. The issue is now complete and we don't want to be understood as waiving any right we may have.

Varian and Gilchrist then got up together. After a few words by Varian, Gilchrist went on to state the nature of the case, giving some light upon the theory of the case, citing rules of law and equity practice. He said—"We spent \$40,000 and they spent three or four dollars on that ground and they have the sublime impudence to come into court and ask for the whole of the ground." He referred to the agreement or understanding that this case was to be tried first. "The gentlemen want to come in with a law suit when we claimed equity, and force us off the track. They can get no quarrel out of me, unless they make it themselves, and then I'm here! If I am anywhere near right, there is no necessity of imposing terms here. The position we hold has not been got by smiles and tears, but by the stern terms of law—plenty of it, too."

Varian proceeded to make a statement of the history of the case, but was corrected once by Royle. Gilchrist tried to ask a question, but Varian would not yield, and the Court ordered Gilchrist to subside. Varian insisted that the defendant should pay the costs.

Gilchrist further explained the situation.

The Court ruled that he could not act as to settling the case; don't think the case is at issue for the first time, but is set like others by the clerk, in their order on the docket. I will leave

the precise setting to the Judge who is on the bench when the term begins. As to contract respecting stipulations, they could easily have been solved by adding a word or two, making them more explicit, so as to place it beyond doubt. This case is at issue and set by Judge Zane, and the question is whether it is a law or an equity case. If the former it is for trial; if the latter, it is not. The Judge then gave a brief summary of the proceedings, and said: "The jury have been held here for the trial, and parties should be ready; for that reason I think the defendant should pay the costs for the term. I have nothing to do with it further. The case is continued on the defendant paying the costs."

Judge Sutherland wanted added to the order refusing to amend that it was without prejudice to a further application on an additional showing.

Varian objected, and hoped the Court would not consider it, because the design was to permit the defense to make repeated applications.

Sutherland feared his brother was getting to be a pessimist. He was constantly worrying about the future. "He ought to take a more hopeful view. I hope the bench is not going to be wrecked except one, and he left as a forlorn hope." He wanted to renew the case upon such presentations as would be potential, and ridiculed the position taken by Varian, and concluded with—"If we don't show good cause, we forfeit the privilege we now ask."

Judge Boreman—I don't think it would be right to grant that until the whole question is passed upon by the Supreme Court. The jury is discharged for the term.

Those who expected the forensic duel over the application for continuance for which the defense were prepared, were disappointed; they got what they asked for on as easy terms as they had a right to expect, and consider that the victory of the first skirmish rests upon their banners.

FROM SATURDAY'S DAILY APRIL 9.

Decidedly Better.—The following special dispatch, received from Ogden this afternoon, will be a source of gratification to the many friends of Hon. Lorin Farr in this city:

OGDEN, April 9, 2 p. m.

Editor Deseret News:

Hon. Lorin Farr is decidedly better. His pulse, temperature and respiration are normal.

JOHN HENRY SMITH.

The Verdict.—Yesterday the jury in the case of the People vs. Louis Steen, who killed Homer J. Stone on the 21st of January last, at Price, Emery County, returned a verdict of guilty of murder in the second degree, with a recommendation to the mercy of the court. The youth of the defendant doubtless cut an important figure in the case. Sentence will be passed on Monday.

Discharged.—To-day at one p. m., W. F. McDonald, a telegraph operator who was arrested at Logan on a charge of attempting to defraud his creditors, appeared before Commissioner Black for examination. Mr. A. R. Heywood appeared for the prosecution and Mr. J. N. Kimball represented the defendant. The charge was preferred by Mr. F. B. Hurlbut and the amount he claims is owing to him by McDonald is about \$30. It appeared from the testimony that McDonald was owing altogether about \$41 in Ogden. It was not proven by the evidence produced by the prosecution that McDonald left town with any intention to defraud creditors and a motion from the defense for the discharge of McDonald was sustained by the court.—Ogden Herald, April 8.

Damaging to the Road.—Mr. James P. Clark, road supervisor at Cedar Valley, came into Salt Lake the other day along the county road on the west side of the river. When a short distance north of the county line, and about a mile south of the dam for the Salt Lake and Jordan Canal, he encountered a piece of the road that was both difficult and dangerous to pass. At the place referred to there is a narrow dugway along a deep ravine. Large flocks of sheep have been driven over it during the past few weeks, instead of going along the upper route, which is really the proper way, and immense quantities of gravel have been loosened and slid down the mountain side. The gravel has lodged in the road, and it required the greatest care and considerable labor to get the wagon past without having it go to the foot of the ravine, some seventy-five feet below. The attention of the Salt Lake County authorities has been directed to the matter and the damage will be repaired.

The County Roads.—Judge E. A. Smith, Francis Armstrong and E. M. Weller, of the Salt Lake County Court, spent yesterday on the west side of the river examining the county roads running east and west, and laying out sections not yet opened. The old Tooele road, this side of the Point of the Mountain, west, is now being repaired and graveled, so that the difficulty which has heretofore existed in that direction will be removed. The road which runs across the county, passing the penitentiary is also being opened with as much speed as practicable. At the bridge now being put in across the Jordan, a slight detour to the north is made, and after continuing westward along the section line past

some saleratus lakes on the west of the river, will run southward to a ridge on the south of Mr. Lawrence's farm, and then go direct west to the mountains. This will afford the large section of country embraced in Brighton, Granger, Hunter and Pleasant Green precincts a good road to the city. The county road next farther south will also be opened through to the mountains at an early day.

With reference to these roads the county officials are doing good service. There are some very bad tracts of land to cross, but a substantial roadway will be made there so that teams will be able to travel during the greater part of the year.

The Bingham Homicide.—At Bingham, on Thursday evening, a young Italian named Braca, about 22 years of age, shot and killed Joseph Lee. Their difference is supposed to have arisen over a woman named Mrs. Bloom, whose reputation for morality does not seem to reach a very high position. Lee, it seems, was beating her on Wednesday evening, when Braca came in and said that kind of thing must stop or the parties vacate. A quarrel followed, but finally subsided. The next morning the parties met again and more trouble ensued. Lee finally went away, and Braca told Mrs. Bloom that if Lee did not leave him alone he would lay him out. Lee returned to the house soon after with a Ballard rifle he had borrowed and after remaining in the Bloom mansion a few moments, went to the door of the house occupied by Braca, the old Italian, and others. Lee said: "You abused me last night, when I had no chance to defend myself. If you will come out now, I'll give you satisfaction." The old man warned Lee to go away, or he would be hurt. Lee went away, but soon returned, and made some more similar remarks, at the same time, as Braca says, pointing the rifle towards him. Braca fired and he fell, living but a few minutes. A weapon with which the shooting was done was an old-fashioned rifle, loaded with shot. The charge struck Lee in the left side. Braca at once went before a magistrate and surrendered. An inquest and examination were held yesterday, and the defendant was held in \$1,500 bonds, failing to get which, he was brought to town and placed in the county jail by Sheriff Burt.

Prof. Grothe, Brooklyn Board of Health, says Red Star Cough Cure is free from opiates, and highly efficacious. Twenty-five cents.

SALT LAKE. OGDEN. GEORGE A. LOWE,

MOWERS,
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AND

SULKY RAKES,
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SAW MILLS,
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FIRST CLASS VEHICLES of ALL KINDS.
Barb Fence Wire, Iron, Steel.

ESTRAY NOTICE.

I HAVE IN MY POSSESSION:

One sorrel HORSE, 4 years old, white strip in face, three white feet, branded O with a line over it on right shoulder.
One roan HORSE, 9 years old, hind feet white, branded B C on left hip, also E P S combined, on left shoulder.
One sorrel yearling horse COLT, right hind foot white, white spot on end of nose.
If the above described animals are not claimed within ten days from date, they will be sold at the Draper estray pound, on April 16th, 1887, at 2 o'clock p. m.

H. A. SMITH,
Foundkeeper.

Draper, April 6, 1887.

ESTRAY NOTICE.

I HAVE IN MY POSSESSION:

One roan MARE, about 12 years old, branded SM on left thigh.
One roan yearling Mare COLT, branded JM on left thigh.
If said animals are not claimed and taken away within ten days from date, they will be sold to the highest cash bidder, on Tuesday, April 19th, 1887, at 2 p. m., at my corral.

ALFRED A. JONES,

Foundkeeper.

Hunter precinct, S. L. Co., April 8th, 1887.



UNCLE Sam has found it at last! A sure remedy for Torpid Liver, Sick Headache, Bilious Constipation, Chills and Fever, and all affections of the Kidneys and Liver. This is a New Compound, and one trial will convince you that it is the Cheapest and Best Remedy in the Market for Diseases of Kidneys, Liver and Stomach. If you want a pure vegetable compound, that is positively guaranteed to contain no mercury, go to your Druggist, and get a Bottle of the Arkansas Liver and Kidney Remedy. Price, \$1.00 per Bottle.

H. H. MOORE & SON.

For Sale by all Druggists.

1887. GREGORY'S SEED CATALOGUE 1887.

What Mr. Beyer says: "Please accept my best thanks for the splendid seeds received from your firm. It would be a rather lengthy list if I should name all, but will say that amongst 33 first, and 3 second premiums awarded me at our fairs in Northern Indiana and Southern Michigan, 23 first premiums were for vegetable raised from your seeds. What firm can beat this?"

Seed of this quality I am now ready to sell to every one who tills a farm or plants a garden, sending them FREE my vegetable and Flower Seed Catalogue for 1887. Old customers need not write for it. I catalogue this season the native wild potato.

JAS. J. H. GREGORY, Seed Grower, Mariborough, Mass.