

THE INDUSTRIAL ARMY.

The following telegrams, as completing the story of the "Industrial" invasion begun in the last issue, will doubtless be read with interest:

OGDEN, April 11, 9 a. m.—Superintendent Knapp clearly outwitted the courts and the Governor of the Territory by making it impossible for them to secure the necessary engine and train hands yesterday afternoon to return the industrial army to the coast. The army is still here and all attention is directed to its removal. Alter that has been done Mr. Knapp's case will receive consideration.

There was a noisy demonstration on the streets of Ogden last night, participated in by sixty or seventy men and boys, some of them half-drunken. The affair was permitted to go on without interruption and those who took part were not arrested.

Later a meeting was held by the marioners over the Favorite saloon and speeches of sympathy for the army were made by the leading spirits, who at times became exceedingly denunciatory in their remarks.

Another attempt to take the industrial army bull by the horns was to have been made last night, but a technical question as to the legality of the method arose and it was decided to get a supplemental ruling from the court. The former order was that the Southern Pacific should remove the men from the Territory and a midnight session of the court was held and Judge Miner asked to allow the plaintiffs to amend their decree so as to give the United States marshal authority to eject the Western host. The court room was filled with many anxious persons and the case stated in full and in long arguments by Messrs. F. S. Richards and Van Cott of Salt Lake. The amendment to the decree was asked forthwith and a number of attorneys who have worked unceasingly day and night imagined they read the signs of final and permanent defeat when the court stated that it was a question as to whether it could make such an order and adjourned until nine o'clock this morning.

Knapp was placed on the stand during the hearing and stated that in obeying orders he should give those of his company the preference. He was pretty roughly handled by the attorneys, who denounced the action of himself and company as infamous and without parallel. But he only smiled and said the army must be cared for.

OGDEN, Utah, April 11, 11:30 a. m.—Nine o'clock this morning was the hour set by Judge Miner last midnight for deciding the question of modifying the decree so as to permit the United States marshal to remove the army from the Territory of Utah. His honor was not at the courtroom at that hour, however, and after a brief wait it was announced that a decision would be rendered at the Reed Hotel parlors and thither the attorneys repaired, but were later obliged to go to Judge Miner's room in the building, where his honor was found with his feet encased in bandages on account of an attack of inflammatory rheumatism. Instead of the promised prompt decision, Judges Marshall and Royle, the S. P. attor-

neys, obtained permission to make arguments, which they did at length against making the supplemental order and asked for a continuation of the case to present authorities.

The opening of the case to further discussion was strongly opposed by Richards, Van Cott, Henderson and Evans, who said the delay was very expensive to the citizens of Utah and preferred rather to have the original decree annulled and wiped from the records than to have an order to stand in a form that made the Governor and the United States marshal powerless to apply the force necessary to expel the Coxe troops from the Territory.

After consideration the court granted the S. P. attorneys further time and adjourned court for one hour to listen to their citation of precedent cases. As a result all still hangs in the balance of doubt and uncertainty.

11:40 a. m.—The members of the Norden and Denhalter companies of the Utah National Guard are well nigh exhausted and the effects of the service are visible upon the faces and movements of all. The Nordens were on duty until 12 o'clock last midnight, when they came up town and turned in at the city hall at 1 a. m. At 4 o'clock they were compelled to go on duty again on account of the failure of the Junction city deputies to appear at that hour. Private Colbath of the Denhalters had a narrow escape from drowning last night. Like his comrades he had done picket duty until it was well nigh impossible to keep awake. While tramping his beat between the railroad tracks and Weber river he walked over the bank of the stream and went completely under in the waters below. His struggle to get out was a difficult one, as the river was deep at the point where he fell in. As he clambered out on to the bank he was assisted by comrades and taken up town where he was provided with a dry suit of clothes. He is resting today and thankful that the experience did not cost him his life.

1:20 p. m.—At 11 o'clock the final arguments of the Southern Pacific attorneys began before Judge Miner in his private parlor. Vigorous opposition arguments were again made by counsel for the plaintiff and closed with the following words uttered by Hon. F. S. Richards: "We appeal to you to allow the court to enforce its own decree even though it shall be against the wishes and interests of the almighty Southern Pacific."

At 1:05 the final hearing was over, and Judge Miner again adjourned court, this time until 3 o'clock this afternoon. At that time it is hoped his decision will be forthcoming.

3 p. m.—About two o'clock this afternoon preparations were made to abandon the camping grounds on the S. P. property near the Weber river. There was but little to do in the way of packing, but that little apparently was done in anticipation of the court deciding that the U. S. marshal had power to remove them.

A large number of blankets, quilts, old clothing and provisions were donated by the citizens today, and Kelly stated that they would be distributed among the most needy members of the army between 4 and 5 o'clock, and that the pilgrimage towards Washington

would be resumed this evening or certainly not later than tomorrow morning. The men will carry white flags indicative of peace.

The commissary contains food enough to last for several days.

Two more army men were taken to the city hospital this afternoon. They gave their names as J. F. King, of Illinois, and T. Mullen, of New York. Both have pneumonia and their condition is considered serious.

OGDEN, April 11, 3:30 p. m.—Judge Miner made the following verbal ruling this afternoon: "Well, gentlemen, I have given considerable thought to this case. Of course, I have listened to the arguments of the several counsel who have very ably discussed the very important question in all its phases. I have listened with interest and profit to all of it, I think with profit to myself; and I find this is one of the most difficult questions that I have ever been called upon to meet. There is but little authority directly in point, if any. It is governed by the general principles that may be said to be applicable to this class of cases. There are no precedents. The court is obliged to travel over a road which has never been traveled before to my knowledge. At the former hearing, Judge Merritt and myself setting together, made this order which is sought to be amended. We made it, as we thought, sufficiently strong to cover the necessities of the case. It now appears that that order was not complied with, and that application is made to amend it by giving the sheriff or marshal authority to execute and enforce the order of the court, provided it is not complied with in a reasonable time. I will say that since this motion was made I have consulted with Chief Justice Merritt; thinking it proper to do so inasmuch as he sat with the court at the former hearing, and the doubt I have had concerning what order should be made, has been in part dispelled by consultation with him. He takes the view, and so advises me on it, that this order should be granted and that the sheriff or marshal or both should be authorized to execute it. He put it in the shape of an order, but not intended, of course, as an order. I received it simply as advice from him, as he was with me in the former hearing.

So the conclusion I have reached, although it is shrouded in some doubt, is that the motion should be granted and that the marshal and sheriff should be called upon to enforce the order of the court as made, provided it is not complied with by tomorrow at 10 o'clock.

I would gladly have left this matter for some other court, but the position I hold is such that when called upon, the court is bound to act. Had I consulted my own individual private feelings concerning it and influenced by these views of law that seemed to be applicable and necessary, it might have made a little difference; but doubtful as this question has been, I can solve it, in the light of the advice I have had, only in the way I have indicated.

I trust in the execution of the order that all parties will endeavor to keep the peace in every way possible, so