

A TRIP ON THE RIO GRANDE WESTERN.

One of the observations that travel by night over the Rio Grande Western admitted of was the improved condition of the road bed as indicated by the slightness of the vibration of the cars, for which Superintendent Welby is entitled to praise. In this respect this road will compare favorably with any west of Pennsylvania. A conversation with Mr. Babcock elicits the information that the traffic on the various lines of the Rio Grande Western is steadily increasing. Although the Eureka branch has only been completed a few months it is already doing two-thirds of the shipping from the Tintic mines. The grain shipment over the Sanpete branch have been very heavy, while the wool clip which is hauled to Salina from various directions and for long distances affords a very considerable traffic. Cattle shipments, too, are now becoming an important feature. One of the largest consignments in this line is that just arranged for by Samuel McIntyre, of Salt Lake, which includes 3000 head to be transported from Green river to Halleck, Nev. The first twenty cars of stock will leave Green river today (the 23rd), and will be unloaded at the Union Stock yards north of Salt Lake for rest before being re-shipped to Nevada.

After a night of repose in making the run from Salt Lake eastward, daylight finds the traveler approaching the State line between Utah and Colorado. The grass appears to be much more abundant than usual in this most sterile part of Utah, and as Colorado is entered improvement in the farms and villages is very noticeable. At Fruita and Grand Junction where the soil appears to be much like that of the inhabited portions of Castle Valley the crops generally and especially the fruit trees, which are now becoming quite abundant, look very promising. There is no doubt but this will in time become a famous fruit producing region. We are informed by Mr. Price of the Grand Junction Times, who joins the party here, that the ranches along the Grand still higher up than Grand Junction are still better adapted for the production of peaches and grapes than the main valley, being better sheltered by the surrounding hills.

The party was also joined at Grand Junction by W. J. Choate, superintendent of the Rio Grande Junction road from Grand Junction to New Castle, a distance of seventy miles, which road is used jointly by the D. and R. G. and Colorado Midland lines.

At Glenwood Springs the party was joined by Mr. John M. Whitton of the Leadville Herald-Democrat, Mr. David Fowrees of the Aspen Junction Fusher, and George P. Madison, traveling passenger agent of the Colorado Midland.

A Cardiff line of coke ovens is seen by the side of the track, 350 in number, which are kept running constantly, the output being 125 tons of the very finest quality of coke. The coal for making coke as well as that for domestic use in the surrounding region is brought from mines about eighteen miles distant in Jerome Park, which are reached by a branch road

over which some pretty steep climbing is done to make the ascent of 4000 feet.

At Aspen Junction additions to the party were made in the persons of Mr. J. M. Howrey of the Aspen Times, Mr. E. E. Merritt of the Aspen Sun, and W. E. Rohde of the Aspen Union-Era.

The grade of the road from Aspen Junction up to the summit is three per cent or 151 feet to the mile, but good time is made—about twenty-five miles an hour including stops. The scenery along the road is greatly admired, presenting as it does new phases at almost every town. Timber in abundance and of fine quality is seen lining the sides of the mountains and building stone of the very finest kinds, of various colors and of easiest access is found at numerous points along the road. An interesting feature of the scenery along this road is the flume system of carrying lumber down from away up in the mountains where the saw mills are located. The longest flume is two and a half miles in length. Filled to the brim with a rapidly flowing stream the boards come down it scotching. Quite interesting, too, are the charcoal ovens, a long string of which is seen near the track just before the noted "Hell Gate" is reached, where the track makes four laps in ascending the side of the mountain. The scene, as the summit is approached, will compare favorably for rugged grandeur with that found on any line of railway in the world.

Lake Ivanhoe is a pretty sheet of water (which, however, is still frozen over) passed at an elevation of 11,000 feet, from which point the Bush-Ivanhoe tunnel enters the mountain which, when completed (an event expected in about one year from now) will be 9000 feet long. It will shorten the road about nine miles and the time one hour. The ride from the summit to Leadville is full of interest, rendered more so than it otherwise would be by the fast time that is made and the numerous detours and laps made by the road in making the descent. The road parallels itself five times in one locality. Leadville was reached on time as every station on the road thus far had been, if not a little ahead of time, and expressions of delight only were heard from the passengers in regard to the magnificence of the scenery and the treatment of the officials and employees of the roads up to this point. G. C. L.

LEADVILLE, May 23.

The Scandinavian Industrial exposition that was to be held at Stockholm in 1893, will probably take place some other year, the authorities concluding it would be very unwise to try any kind of competition with the World's Fair in Chicago.

The potato crop of Sweden for the year 1891 has been estimated at 12,332,500 hectoliters. The average annual yield is 19,173,700 hectoliters. Several petitions have been sent into the Riksdag asking that the import duty be removed from potatoes.

JUDGE BARTCH'S DECISION IN THE ATWOOD CASE.

Following is the full text of the decision of Judge Bartch in the case of Florence Atwood, a daughter of the late Millen Atwood, and his former plural wife, who petitioned for her share in his estate although not named in his will:

In the matter of the estate of Millen Atwood, deceased. Opinion of court: This is a case in which the deceased died testate, leaving a will which was duly admitted to probate on the 20th day of January, 1891. Millen M. Atwood and Abbie Augenetie Sermon, son and daughter of deceased, were named in said will as executor and executrix, and were duly appointed by this court as such. In process of administration they filed their final account and petition for distribution of the estate (which estate was appraised at ninety-six thousand seven hundred and seventy six and 75-100 dollars) on the 18th day of February, 1892. On the 30th day of March, 1892, Florence A. Atwood, a minor, by her guardian, Amelia A. Sutton, filed in this court a petition alleging that she is a daughter and heir-at-law of said deceased; that she is not provided for in the last will of said deceased; that said testator omitted to make any provision for her; that it does not appear that such omission was intentional; that she is a minor under the age of eighteen years, etc., and concludes with a prayer "that in the proceedings now pending for final distribution she may be permitted, upon this petition, to intervene, and that she may be made a party thereto, and that upon the final distribution of the said estate, there may be distributed and awarded to her the same portion of the estate of said deceased whether real or personal, that she would have succeeded to if the said deceased had died intestate, etc." At the hearing of this case, subject to a formal objection made to the introduction of testimony under said petition, counsel for the devisees, the proponents in the case, admitted "that on the 29th day of February, 1876, Miss Amelia A. Youngdale, who is now Miss Amelia A. Sutton, the guardian, was married, according to the forms and rites of the Mormon Church, to the deceased, in the Endowment House at Salt Lake; that she thereby became what is known as a plural wife, he then having a wife alive." I am clearly of the opinion that the petition complies with the law in such cases and that evidence can be received thereunder. The objection is therefore overruled. The marriage of Miss Amelia A. Youngdale with the deceased having been admitted, and it having been established by uncontradicted evidence that Miss Amelia A. Youngdale and Mrs. Amelia A. Sutton, the said guardian, are one and the same person, and that she is the mother of Florence A. Atwood, the petitioner, it next becomes important to determine from the evidence, as to whether or not said Florence A. Atwood is the daughter and heir-at-law of said deceased. The story of that unfortunate marriage; of their subsequent cohabitation as man and wife; of the birth of the child, said petitioner; of its acknowledgment by the deceased immediately after its birth, as his child; of the support which he gave to the mother and child until difficulties began to arise between the father and mother; of the manner in which he fondled it; of the blessing of the child, etc., was related in such a straightforward way by the said guardian and mother of the petitioner that it could not fail to carry conviction to the mind of every disinterested person who heard the testimony. Careful observation during a searching cross-examination of the witness by able counsel, and very close scrutiny of the evidence, has utterly failed to impeach the witness and has made a profound impression on my mind that both the testator and the witness were parties to the whole transaction, and this impression was by no means weakened by the testimony of the disinterested witness who testified in behalf of the petitioner, nor was it weakened after carefully weighing the evidence on the part of the proponents. From the circumstances surrounding this case and from the facts established by the evidence, I am convinced that said Florence A. Atwood is the daughter and an heir of said testator, and I so decide.

Being a child and heir of the testator, and having omitted to provide for her in his last will and testament, is she entitled to a distributive share of his estate? To determine this question recourse must be had to the law which governs this class of cases in this Territory, as well as to the evidence introduced in the trial of the cause.

Section 2677 C. L. of Utah, 1888, provides as follows: "When any testator omits to provide in his will for any of his children, or for the issue of any deceased child, unless it appears that such omission was intentional, such child, or the issue of such child, must have the same