

not to violence unless further heard from.

A boy by the name of Parley Edgar, of Salt Lake, who is a member of the Industrials, was chosen by the "general" to solicit in the country and obtain what help he possibly could.

Smith was warned through letter from Salt Lake that he must be careful, as Chief Pratt was after him individually.

The Ogden *Standard* of Sunday morning published some telegraphic correspondence between Associate Justice Smith, of the First district, and Chief Justice Merritt, regarding the cases of Carter and others arrested for contempt of court in connection with the stealing of a Union Pacific locomotive at Lehi Junction and the taking of a train to Provo. Judge Smith witnessed some of the proceedings at the latter place. The correspondence was over the Rio Grande Western telegraph line, which was placed by Superintendent Welby at the disposal of the officials for the purpose of consultation, and was regarded as private and confidential between the two judges, but was made public through the railway telegraph office, and was secured by the *Standard*. Judge Merritt admits the correctness of the telegrams, and says that his judgment in the contempt proceedings was not affected thereby. He explains that his statement that he concurred in the reasoning of Judge Smith referred only to the latter's going to Nephi to hold court, and not to any finding regarding the Carterites held for contempt. The telegrams as here given are in the order in which the correspondence took place, as Judge Merritt has them, and not as they appear in the *Standard*, which has them mixed up, giving the last paragraph of Judge Smith's closing dispatch as his first and transposing the order of Judge Merritt's telegrams, while Mr. Welby's message and the first one sent by Judge Smith are omitted. Judge Smith states that he never wrote out a telegram, but held a conversation with Judge Merritt over the wire, and that some one else must have written out the dispatches, which he says are not correct as he remembers them. Judge Merritt, stated to a NEWS representative today that the messages here given were as he received them and made replies thereto. The correspondence occurred on May 13, and was as follows, the first coming to Judge Merritt from Provo:

Judge Smith wishes to confer with you by wire. Our office is at your disposal. He will be here at 2 o'clock.

A. E. WELBY.

At 2 o'clock Judge Merritt went to the Rio Grande Western depot, where he received the following:

Mr. Loomis was down last night and left word that you wanted me to come to Salt Lake to hear contempt proceedings against Carter and others. Is this so?

H. W. SMITH.

To to this the Chief Justice sent the reply:

To H. W. Smith: Loomis was mistaken. I told him and had the marshal's office send word that you could try the cases down there and not bring the men here; but as they are here, if entirely convenient for you, would like to have you here.

S. A. MERRITT.

Another telegram came from Judge Smith, as follows:

To Judge Merritt: I could not have bearing for contempt here, as the receivership has never been filed in this district. Sutherland looked it up yesterday. You know I have to open court tomorrow at Nephi, and it is important that I get a grand jury to work at once on the charges of riot and grand larceny against them. If you will hold them for contempt we can try them soon for the other crimes.

It is all important that they be found guilty and held for contempt, because we have detectives among them, and they intend to carry things with a high hand if their leaders are discharged, and it seems to be the understanding among them that they will disband if their leaders are held.

I think it very important that they have a hearing and that they be held at once for its effect, and in your place I would delay other business and take it up. A special effort will be made to get Carter off. It should not prevail. He is the most guilty of all, although there may be some difficulty in showing it. If you will attend to the contempt matter I will go to Nephi this morning and will see that the whole outfit are indicted before the week is out. I will not come up in view of your answer just received, but will go to Nephi and put the grand jury to work tomorrow.

H. W. SMITH.

To this Judge Merritt's response was:

To H. W. Smith:

I appreciate the situation and concur in your reasoning and shall not expect you here tomorrow. Your judgment is correct. Go on to Nephi. Many thanks.

S. A. MERRITT.

FROM TUESDAY'S DAILY MAY 29.

DESERET NEWS BUREAU,

Camp of the Industrial Army, Davis and Weber and County Line, two miles from Hooper Switch, U. P. Ry., May 29, 1894.

At about 4 o'clock yesterday afternoon, the Industrial brass band having gone to Ogden and left behind the drum major, Mr. Warner, who wished to go with them, the major asked permission of Dr. Smith to go to Ogden and take the drum, which he claims was given to his little boy. The "general" thinking that Warner intended to join the Sutter Fort minstrels, who are now in Ogden, refused to allow him to go, and claimed that the drum was given to the company and not to Warner or his boy.

This denial vexed the major and he immediately picked up the drum. Dr. Smith ordered that he be arrested, which was done. While under arrest the major took his knife from his pocket and cut both drum heads. He also gave vent to his opinion of the "army," calling them thieves and tramps.

At this the "general" ordered that he be drummed from the army. Mr. Warner, with his two little boys, aged 8 and 10 years respectively, left the camp and came to Salt Lake.

While Dr. Smith was drumming the major from the ranks Sheriff Belnap arrived with a warrant for the arrest of Chief Pratt, which quite excited the "general" and caused him to stir and flutter about in great anxiety. "This is the sheriff, boys, with a warrant for the arrest of the captain. We will now get through," said Smith; but when he saw the sheriff pass back through camp without Chief Pratt, the "gen-

eral" was greatly disappointed. He immediately went to Ogden to ascertain the reason why Mr. Belnap did not serve the papers on the chief. While at Ogden Dr. Smith met his band, who were at the Oxford saloon being freely treated to beer. The "general" joined them and on having a drink or two consulted the city authorities and obtained permission from them to solicit the town. He obtained through the *Standard* \$9, and \$5.45 was donated the band on the streets. With this he bought, so he says, four sacks of flour, four sacks of corn meal, one sack of sugar, five pounds of baking powder, one sack of beans, one can of lard, several pairs of boots and shoes and other articles of need. He and his band arrived in camp at 2 o'clock this morning feeling gay from the effects of Ogden beer. When the "general" arose this morning he was in a bad humor because several articles of which they were in need had not arrived in camp.

Miss Cassa Moyes appeared on the camp ground again last night and recited the "Polish Boy." Mr. and Mrs. Wm. Vaughn arrived on the scene accompanied by their daughter, Polly, who recited "Guilty or not Guilty." Mr. Vaughn brought twenty packages of cigarettes and sang a song entitled "Justice in Utah."

Chief Pratt was requested this morning to go to Salt Lake with some of his men to appear as witnesses in the Third district court this afternoon, and at 9 o'clock started for the capital.

On their way to the station they overtook "General" Smith and party who were walking towards the station and the chief asked him to ride, but the "general" thanked him and said he preferred to walk. It was discovered later that the "general" intended going to Salt Lake but had been mistaken in the road and had gone to the R. G. W. instead of the U. P. station, so the "general" got left.

The hearing on the restraining order and order to show cause issued yesterday afternoon, under the direction of Chief Justice Merritt, in regard to the Smith detachment of the Industrial army now held by officers on the border of Davis county, began at 2 o'clock this afternoon, in the Third district court, before Judge Merritt.

Judge L. R. Rhodes, of Ogden, was again present as the legal representative of certain residents of Weber county, and of the Industrialist host under Dr. Smith's banner. On the other side were Judge Hoge, Judge Henderson and Attorney Arthur Brown.

The great interest taken in the proceedings was made manifest by the very large attendance of spectators, all the seats in the rear of the court room being occupied. A number of others, unable to gain admission, remained outside and listened to the legal arguments close to the partially opened door, which was "guarded" by a court bailiff. A host of attorneys sat within the bar.

Attorney Varian then arose and said he desired to enter an appearance and demurrer in regard to Warren E. Thompson and Edward McGlascan, two of the defendants who had been selected by the officers of this court as being with "John Doe," "Richard Roe" and the 300 other defendants