

6:30 in the presence of probably three or four thousand people. The north, south and east sides were surrounded by the Utah National Guards and Salt Lake and Ogden policemen, and escape was made impossible on the west by the Weber river. The train consisted of twenty-six cars, and on board huddled together like sheep were 1,250 men of at least a dozen different nationalities. They were very much dismayed on seeing the troops drawn up in impregnable lines though they said but little as they had been cautioned by their leaders to maintain order and this they did fairly well. A little later they were permitted to partake of a car load of provisions that had been sent out to them by the Ogden authorities.

Many of the men were well nigh frozen as they were as a rule very thinly clad, and had had, they claimed, but very little to eat for the last two or three days. Superintendents Bancroft and Welby sent down a car load of coal and a couple of car loads of ties and in a short time there were great fires blazing on either side of the train around which hundreds of shivering forms soon sought warmth and comfort.

There was a sad and fatal accident to one of the members of the army about 5 o'clock Sunday afternoon at the Balfour switch, 26 miles out of Ogden. The name of the hapless victim was J. Holmquist. He was about 35 years of age and said to be a waiter by occupation. It is claimed that he was raised somewhere in the East and that he was making his way back after a visit to the Midwinter Fair. His comrades state that he had a wife and two children.

OGDEN, April 10th, 8 a.m.—The hearing before Chief Justice Merritt and Associate Justice Miner, on the Southern Pacific to show cause why the injunction prohibiting the company from unloading or allowing the industrial army to remain in Ogden or Utah Territory, came up at 8 o'clock yesterday afternoon. The courtroom was packed with Salt Lake and Ogden attorneys, officials and citizens interested in the outcome of the case. It was the main topic of conversation for the time being, and was discussed vigorously on every hand.

"Colonel" Baker, who has command of the army, was the first witness, and told practically the same story as he related to Governor West and Mayor Brough on Sunday night and chronicled in last evening's News concerning the march and purposes of his men.

Chief of Police Pratt of Salt Lake, Governor West, Superintendents Bancroft and Welby of the Union Pacific and Rio Grand Western respectively, were put on the stand and examined in the order named.

G. M. Kimball, an ex-clerk of the Ogden city attorney, testified that he recognized among the army men who had been convicted of vagrancy and petty offenses in the Junction city and that they had served terms of imprisonment.

Superintendent Knapp, of the Southern Pacific, was the next and last witness, who, with a few supplemental statements, related the story he gave to the News yesterday morning and published last evening.

The court then adjourned until 7 o'clock, at which time elaborate and vigorous arguments were made by Attorney James N. Kimball for the plaintiffs and Thomas Marsual for the defense. Mayor Baskin, of Salt Lake, closed the arguments and shortly before 10 o'clock last night the following order was made by the court:

It is ordered, adjudged and decreed, that the said defendants, their agents, servants or employees and each of them, are hereby enjoined and restrained from keeping or allowing that certain body of men recently brought by said defendants unlawfully into said Territory and commonly known as the industrial army, or any of them from being in any place except in the twenty-seven box cars belonging to said defendant company, and in which said men were brought to said Territory; and also from keeping any of said men or said army, in said box cars any longer than is absolutely necessary to take said men and said cars out of said Territory.

The order being made, a writ of injunction was signed and sixty deputy marshals immediately sworn in, who were placed on guard at 12 o'clock midnight and relieved by Sheriff Belnap with forty deputies at 6 a. m.

Several of the men yesterday succeeded in passing the picket line unobserved along the banks, willows and underbrush of the Weber, and making their way beyond the city limits. A farmer met a squad of them headed for Salt Lake. The matter was reported to Captain Gilbert, who immediately sent a detachment of cavalry after them and conveyed them back. They were unwilling to be captured and yielded in an ugly mood.

Last midnight Governor West, Secretary Richards, Hon. F. S. Richards, Chief Pratt and a representative of the News went down to the campground, which was illuminated with blazing bon fires until it could be seen a great distance away. The men were scattered over a large area and were found in almost every conceivable condition, huddled about on the ground, some asleep, others washing their clothes, the parts of the bodies from which they were taken being entirely exposed to the cold night air, others were smoking and conversing in a low tone while not a few were reading the Salt Lake and Ogden evening papers, either quietly or aloud to their friends.

OGDEN, Utah, April 10, 11 a.m.—All was anxious expectation among the great army of unemployed at Ogden this morning. Long before daylight scores of the industrials were busy preparing breakfast. The arrival of "General" Kelly, the patron saint, presiding genius and general director, had patiently been awaited the last twenty-four hours and when that gentleman came in on the 5:40 train, he was greeted with a burst of applause and enthusiasm, as though he were a veritable Napoleon.

In a short time Kelly was in private consultation with "Colonel" Baker and staff. Just exactly what they did beyond considering the condition in which the army was now placed and discussing the ways and means calculated to extricate them and bring about a satisfactory solution of the problem, was not known. The men, who were dejected, gloomy and despondent, brightened up immensely after "General" Kelly's arrival and

were sanguine as to the result, believing confidently that their leader would baffle the authorities and come off triumphant. Kelly is anything but prepossessing or powerful in appearance, though he is said to be very deceiving in this respect. He is spare in form, of dark complexion, with a brown mustache and does not appear to be more than 33 years of age.

At 10:30 this morning General Kelly had an interview with Governor West at Mayor Brough's office. Kelly insisted on the exclusion of newspaper men and carried his point.

Kelly, on his arrival at the depot this morning, made the positive and unqualified statement to Superintendents Knapp and Welby that Governor Waite had sent him an official communication, announcing that the army would be gladly received and provided for at Denver, and that arrangements for transportation east of that point to Washington would be made in short order. It was at first believed that this statement was simply made as an inducement for the Rio Grande Western or the Union Pacific, but General Kelly disclaimed all such intentions and said that he was truthful and serious in his assertion.

OGDEN, U. T., April 10, 12:30 p. m.—During his interview with the Governor, Kelly reiterated his statement that Governor Waite, of Colorado, had extended an invitation and promised a warm welcome to the army on its arrival there.

Kelly was informed by Governor West that he must take his men back. The former begged to be allowed to continue the journey, but he was informed that the railways would not transport them; that the people of Wyoming were aroused and did not want them, and finally that all appeals to go east would be without avail.

Kelly then asked for time to present the situation to his men, saying he was only their executive and would submit to their wishes, but he was certain they would not retrace their steps.

Next came an interview between Governor West and Superintendent Knapp.

The colloquy was a very stormy and warm one, and during which Knapp said "I cannot take the men back unless their full fare of \$35 each is paid."

Governor West replied in stentorian tones: "I serve notice on you now that you must provide for the support of these unfortunate people whom you have foisted on this Territory; some of them are now dying and it is inhuman to allow them to freeze to death. The people want none of your kind of magnanimity, the quality of which is exhibited by your dumping paupers upon us for the insignificant sum of \$600, made more shameful by the exorbitant demand of \$40,000 to take them away."

To this Knapp replied, as he showed pronounced signs of weakening: "The men don't want to go back, and we cannot put them on the cars; besides, should we be successful in this, they would destroy our property."

"Leave that to me," quickly rejoined the Governor. "We are fully prepared to put every man into the cars under lock and key and will guard your property and interests."