The Evening paper is the paper of Today, the morning paper is the paper of Yesterday.

DESERET EVENING NEWS.

5 O'clock -EDITION.-

TRUTH AND LIBERTY.

NO. 232 SATURDAY, AUGUST 25, 1894. SALT LAKE CITY, UTAH. VOL. XXVII.

VILLAINS CAPTURED.

Detectives and Police Officers Chase Bandits.

A MURDEROUS GANG OF ROBBERS

Surrounded in the Woods After Having Hurtfully Wounded Several Persons.

CHICAGO, Aug. 25.—The bandits who held up a freight train at Deerfield last night, robbing the conductor of his watch and killing a man named Owens, cut across the country to Mayfair. Patrick McGrath, the Northwestern railroad detective, attempted to intercept them after they had boarded a flatcar. They opened fire on McGrath who fell to the platform.

One bullet struck him in the left arm and one entered his body the third struck him near the heart, but was diverted by a pocketbook. The bandits then stole a farmer's team and carried to Milwaukee avenue. Here the men began to chase the desperadoes. Bullets came a patrol wagon all equipped in which were four policemen. The pursued men took to Orchard Place woods on the Desplaines river, south of Higgins road, closely pursued by the patrol wagon with a load of police. Leaping from the wagon three men took to the woods in a large and shot two officers. In the excitement the bandits escaped to the woods, where they were soon surrounded by the police. Messengers dispatched to Jefferson for physicians brought news of the shooting. A special train bearing a large number of policemen and detectives was sent out at 9:30 to Desplaines. The officers were armed with Winchesters and carbines with orders to shoot on sight.

The Northwestern railroad officials say the desperadoes boarded the train at Deerfield. They robbed the conductor, and, putting the rail up, jumped from the train near Mayfair, clearing for the woods they were chased by special Policemen Funk and Yount. The bandits fired and both officers fell mortally wounded. The robbers then crossed the woods in safety.

Three miles from where a farmer named Eggleston was held up, his team was taken. The wagon had broken down and been abandoned. Officers traced the fugitives to a corn field, through which they ran, and a score of policemen took up the trail.

OFFICIAL REPORT FURNISHED.

CHICAGO, Aug. 25.—Superintendent Barr, of the St. Paul road, today received the official report of the robbery and murder on a freight at Deerfield last night.

"I think," said Mr. Barr, "Detective Owen must have tried to arrest the men when he was shot."

Patrick Owens, the man shot, was a retired detective, living in the suburbs with Conductor Sargent.

THE BANDITS CAPTURED.

The two desperadoes were captured in the woods in Elk Grove township about noon by five Chicago policemen. After fully 100 shots had been fired, the men both fell, seriously hurt, it is thought, and fatally injured. They gave the names of Will Lake and W. S. Gordon. They were brought to Chicago.

The capture was made by officers Mahaney, Fennigan, Maloney, Lawson and Haines. The crowd wanted to lynch the men, but the police forced the lynch back with drawn revolvers.

Lake, who is dangerously wounded in the neck, admits that he shot Detective Owens and Officer McGrath. The police deny the report that Special Policemen Funk and Yount were wounded.

A BLACK VILLAIN

Held on the Charge Against Him Are True.

HUNTSVILLE, N. Y., Aug. 25.—If Edward Foster, aged 27, under arrest at Hammondsport, is as black a villain as he is painted, he is easily the worst outlaw that ever lived. It is charged that Foster within the past two weeks, planned the murders, tried to rob a bank three times, placed half a dozen dynamite bombs, attempted to wreck a train, fired several buildings, eloped with the prettiest girl in the village, and when arrested, twice attempted suicide. He is accused of obtained money for him on forged notes. One was refused payment to be pasted to kill the bank cashier. The scheme fell through, as the "job" engaged for the deed lost his nerve. On Friday last he placed a dynamite bomb under the bank and Hammondsport track, but the obstruction was seen in time. Over thirty fire have occurred in Hammondsport within the last two months. On Monday last five houses, four barns and a grist mill were destroyed. When the officers appeared at Foster's house last night, the young man grabbed a razor knife and tried to cut his own throat. He then dashed to the street and threw himself in a near-by pond. He was nearly drowned. Foster's wife is the seventeen-year-old daughter of the wealthiest man in the village. The ceremony was performed by a minister that had previously been adjudged insane.

Counterfeit Mexican Dollars.

EL PASO, TEXAS, Aug. 25.—The police authorities of the city of Juarez, Mexico, opposite here, today discovered a fifty counterfeiter's mold, together with a large number of Mexican dollar money for circulation. The most important feature of the discovery was the arrest of a number of men and women concerned with the scheme, in the very act of making the pesos. One of the men escaped to this side and the police are searching for him.

TROUBLES OF A COUNT.

He Disagrees With a Lady Friend and is Arrested.

CHICAGO, Aug. 25.—Geo. D. Hurtz, a count in the Russian peerage, has taken himself up with Mrs. H. M. Morse, of Thirty-third street and Forest avenue, and Justice Foster said over the city August 27th.

Dr. Bruyn was arrested while in the black cashmere with a party of friends and was taken to Harrison street station last night where he gave bail for his appearance Monday. The arrest was made on a warrant sworn out by Mrs. Morse charging the count with making threats.

Mrs. Morse owns a flat in an apartment house on Forest avenue and has frequently entertained the Illinois nobleman in her apartments. Some weeks ago they came to a disagreement and then the trouble began. Mrs. Morse claimed De Bruyn had been persistent in his attentions, and he tried to overcome her coldness by threats. The defendant says he furnished the rooms in which Mrs. Morse lives and has advanced the woman money for which he holds promissory notes. Last week he began proceedings on the claims which he says he holds against the woman, and a constable was placed in the flat on this suit. Mrs. Morse subsequently visited the constables and her door has since been closed against De Bruyn. She says he has made threats against her and she took out the warrant with the idea of having him placed under peace bonds. Count De Bruyn denies the charges.

FAILED TO AGREE.

Meeting of Railway and Steamship Men Brought to a Close.

NEW YORK, Aug. 24.—The meeting of the Southern Railway and Steamship association was brought to a close last night. The old officers were reelected. The chairmanship of difference over the tariff through the Ohio river gateways between the west and the South is the cause of considerable which has occupied the attention of the association at several meetings which have been held since April and in the face of repeated efforts on the part of members interested in peace and harmony a satisfactory conference was not actually reached. The old agreement now been declared effective for another year.

WON THE GREAT FUTURITY.

"Butterflies" the Gallant Horse to Land the Stakes.

It is Worth Sixty Thousand Dollars —A Fine Field of Starters and a Hot Race.

NEW YORK, Aug. 25.—The great Futurity race, worth nearly $61,000 to the winner, will be run at Sheepshead Bay about 4:15 today. The starters at present (9 a.m.) listed will be as follows:

Owner.	Horse.	Weight.	Jockey.
Gideon & Daly	Butterflies	115	Griffin
Gideon & Daly	Walcott	115	Weber
G. Lorillard	Grandmont	115	Hill
A. Keene	Domestic Finder	115	Hamilton
J. Huggins, Jr.	Manoverer	115	Ladner
Lewis Reed	Momentum	115	Fitzpatrick
J. R. Keene	Armour	115	Taral
D. D. Bennett	Brandywine	115	Clayton
Byron Fox	Gladiator	115	Sloan
Marcus Daly	Hindoo	115	Hughes
A. J. Cassatt	Ben Brush	115	Garrison
Clark Phillips	Alabama	115	Hughes
A. F. Walker	Observer	115	Adams
Perry Belmont	Sportsman	115	Hamilton

Butterflies is favorite.

Magnetism the colt was scratched and it was announced that C. Lorillard Jr. would start Bonnibert. The betting was as follows at 2 o'clock: Winner, 10 to 7; Butterflies, 6 to 5; Walcott, 3 to 1; Salvation, 8 to 1; Grand Fortune, 20 to 1; Agitator, 30 to 1; Doggett, 40 to 1; Cincinnati, 8 to 1; Brandywine, 10 to 1; Crimwell, 25 to 1; Counter Tenor, 75 to 1; Monmouter, 10 to 1; Commoner, 8 to 1; Monaco, 4 to 1; St. Valentine and Bonnibert, 50 to 1 bid.

CUTTERFLIES WINS.

All got off in a bunch, Gala Festival leads at the quarter, California and Monmouth neck and neck, the others in the bunch.

Butterflies leads at the half, Walcott second, neck and neck, Agitator third.

Butterflies leads in the stretch by two lengths, Agitator second, a length ahead of Brandywine.

Butterflies wins by a neck, Brandywine second, a length and a half ahead of Agitator. Time, 1:11.

For the Queen's Cup.

WEYMOUTH, Aug. 25.—The Britannia and Satanita raced today for the Queen's cup. The Satanita won by four minutes.

HERE'S A SCHEME

To Build an Island and Secure the Jackson-Corbett Fight.

NEW YORK, Aug. 25.—The projectors of a scheme to build an iron platform in the Atlantic ocean off Sandy Hook, to be called Atalanta, are after the Jackson-Corbett fight. The projectors made the offer through Mike Donovan, of the New York Athletic club.

I am authorized to offer a purse of $25,000 for the fight, he said, "and there's no monkeying about it, either. The company has nearly $4,000,000 behind it, and the island will be completed before next Tuesday."

"I am afraid you are a little enthusiastic," said Jackson, who was present, but Donovan said he was not a bit.

"These people," he continued, "are willing to put up $25,000 Saturday as a guarantee in the hands of any responsible man agreed upon by Corbett and Carnot. This they assure me will be their first step. Furthermore, they will set aside $5,000, which is to be divided between you and Carnot in case it is impossible for them to pull off the fight on the date selected."

Drowned in a River.

PORTSMOUTH, OHIO, Aug. 25.—Adam A. Parrott, ex-county commissioner, wife and three children, were drowned in tending the Scioto river.

A Murderer With a Pistol.

ST. PAUL, Aug. 25.—Murderer Kruisch, condemned to hang, was supplied with a revolver by unknown confederates. In the corridor today he opened fire on the turnkeys, wounding Deputy Sheriff Hurst. Deputy Sheriff Dorn shooting through the peephole in the door drove him into his cell, where he was shackled.

AT THE SEAT OF WAR

Seven Japanese Spies Arrested at Shanghai.

WILL PROBABLY BE KILLED.

Excellent Service of the Chinese Cavalry in the Last Engagement With the Japanese.

SHANGHAI, Aug. 25.—Seven Japanese spies in Chinese costume were arrested here today and will be expelled from China. Nobody would be surprised if they were treated much more severely.

According to advices from Formosa, fifty Japanese have been decapitated for having been arrested as spies.

In order to raise money to push the war operations, the government has increased the transit duties on yarns.

A letter from Chemulpo, Corea, received at The Post yesterday announcing the defeat of the Japanese forces and the killing of 1,500 Japanese soldiers is much commented upon here. If the report of the battle is correct, the Chinese cavalry in attacking the Japanese forces in two parts did excellent service and displayed generalship of no mean order.

FIGHT WITH INDUSTRIALISTS.

Encounter Between Tramps and a Sheriff's Posse.

BUFFALO, N. Y., Aug. 25.—For some days Count Rykanowski's industrial army, numbering about 150 tramps, has been encamped outside the city limits. This morning the sheriff ordered them to move on, but they refused to go. Justice Foster in the meantime entered the camp and his wife is thirty days. The sheriff was given warrants for their arrest but the tramps resisted. There was a short, sharp struggle. The chief of the deputies and policemen came into vigorous play. For about three minutes the tramps held their ground, fighting desperately with clubs, then they broke and ran. The sheriff's men overtook the camp and arrested nine and several of his followers. As a result of the fight nine of the boiler were taken to the Accident hospital.

New York Stock Market.

NEW YORK, Aug. 25.—Stock market was generally firm at the opening. Distilling opened with purchases of 2,000 shares at 26 to 26¼, the latter being an advance of ¼ on cost. The general list rose ½ to 1. Sugar advanced ½.

After 10:30 the speculation became heavy. Distilling under heavy selling declined ¾ to 25¾. It recovered to 26, receded to 25¾. Sugar and Union Pacific declined 1.

A Young Indian's Claims.

VALLEJO, State of Peru, Aug. 25.—There is much excitement in Aquimoyoc the appearance of a young Indian who claims to be a second Messiah. He has performed many remarkable cures and ignorant people have flocked to him by the hundreds.

THE QUEEN'S SPEECH.

The Principal Recent Events Briefly Referred To.

LONDON, Aug. 25.—Parliament was prorogued today. The queen's speech says:

"I am confident you share the joy at the birth of an heir to the third generation in the throne. The event is not merely propitious; it is unprecedented in the history of the country.

"I concert with the President of the United States. I have taken the steps necessary to give effect to the Bering sea award and assented to the act of Parliament for this purpose, similar to an act passed by the Congress of the United States. The governments of the two countries are now in communication with the principal foreign powers, with a view of obtaining their adhesion to the regulations prescribed by the award.

"I regret that a state of war has broken out between China and Japan. After endeavoring, in conference with Russia and other powers, to prevent the outbreak of hostilities, I have taken steps to preserve strict neutrality.

"Though I lament the necessity of increasing the burden of taxation, it has become indispensable for the security of the empire to increase the naval strength.

"While the general tranquility in Ireland is maintained in a remarkable degree, certain agrarian and industrial difficulties subsist, which continue to engage the attention of the government."

A Steamer Burned.

SALEM, Mass., Aug. 25.—The excursion steamer, City of Portsmouth, went ashore last night in the harbor and was burned. All on board got off safely.

Stabbed to Death.

SALTILLO, Mex., Aug. 25.—At a dancing saloon in Cortazar, a fight took place which resulted in five men being stabbed to death and several others seriously injured. The rural guards were called upon to quell the disturbance.

New Yorkbank Statement.

NEW YORK, Aug. 25.—Reserve, decrease, $1,560,000; loans, increase, $2,494,900; specie, decrease, $203,900; legal tenders, decrease, $590,200; deposits, increase, $896,800; circulation, decrease, $4,700. The banks hold $95,718,650 in excess of their requirements.

Debs and Gompers on the Stand.

CHICAGO, Aug. 25.—President Debs was called again today by the strike commission. In reply to a question he stated that he did not favor compulsory arbitration in the settlement of labor troubles. He did not believe such a method would prove universally satisfactory. Mr. Debs said that before the strike there had been trouble among the telegraphers, and that there were less than 200 A. R. U. men on the Rock Island road, whence said, we absent.

Samuel Gompers, president of the American Federation of Labor, was the next witness. He produced his testimony with an outline of the aims and principles of the federation and Knights showing the membership.

Gompers reviewed the proceedings of the conference. President Cleveland, he said, paid not the slightest attention to the message sent to him and to the settlement of the strike.

FOR CONTEMPT OF COURT.

Wyoming Officials Held to the Grand Jury by Judge Riner.

Special Telegram to the NEWS.

CHEYENNE, WYO., Aug. 25.—City Marshal Haley, Editor J. F. Hynes, and Clerk of the District Court Burke, the citizens of Rawlins charged with contempt of court in interfering with deputy United States marshals during the recent strike, were held today by Judge Riner in $500 bonds to await the action of the United States grand jury. The court said that if the testimony offered on behalf of the prisoners was true, the defendants were guilty of a violation of the laws of the United States in interfering with an officer of the United States court, but the evidence was so conflicting that the affair should be investigated by the grand jury. Jas. McDonald, a machinist, another of the defendants, did not appear, and his bond was declared forfeited.

The Buffalo-Pittsburg Race.

PITTSBURG, Aug. 25.—George E. Wittbaro won the great Buffalo-Pittsburg road race. The riders started at 12:01, having made 256 miles in 27 hours, 37 minutes.

A Steamer Ashore.

SAN FRANCISCO, Aug. 25.—The merchants exchange has a telegram from Port Townsend stating that the steamer Chilkat has arrived there and reports that the steamer Queen is ashore, head on, at a point on Camano island, near Spencer's cannery, Alaska. The Queen has a big passenger list of Alaska excursionists, but it is not reported that they are in any danger.

Goes to China.

EVANSVILLE, Ind., Aug. 25.—Minister Charles Denby left here at noon today for San Francisco en route to Peking, China.

Mr. Hessing Ill.

CHICAGO, Aug. 25.—A. C. Hessing, the veteran founder of the Illinois Staats Zeitung, has suffered a stroke of paralysis. He is a precarious condition. He is the father of Washington Hessing, the postmaster of Chicago.

A DIFFERENT PHASE.

Cal Beans Charged with Assault on Mrs. Alta Costello.

There were some interesting developments in the Cal Beans case in the police court this afternoon to which reference is made in another column.

It transpired that the complaining witness was not now a Mrs. Alta Costello, but was her maiden name. About two months ago she was married and is now Mrs. Alta A. Costello.

She came into court about 2:30 accompanied by a bevy of ladies and a couple of gentlemen, all of whom were eminently respectable in demeanor and appearance. Mrs. Costello has a pretty face, is under twenty and was stylishly clad in a becoming blue costume.

Cal Beans was there, too, having been brought out of jail for a conference with his attorney, Mr. S. H. Lewis, who represented him in court.

When the complaint was read it created considerable surprise, even astonishment, as it simply alleged the commission of the public offense of battery. But Mr. Elcheson, by whom it was drawn, seemed convinced the lady's friends by quoting from the statutes that they never could sustain a conviction under the charges of abduction, kidnapping or criminal assault, and that battery was the class of assault to which it belonged.

Beans, by his attorney, pleaded not guilty, and by mutual consent the case was continued until 2 o'clock, Tuesday afternoon.

Elder Olsen's Funeral.

The Eighteenth ward chapel was crowded yesterday afternoon at the funeral services of Elder T. N. Olsen, remarks were made by Elders Robert Parker, T. G. Webber, H. W. Nelson, John Nicholson, A. H. Cannon and Bishop O. F. Whitney. A review of the life of the deceased as an active, genial business man, as a teacher in the ward, as a home missionary in the Salt Lake Stake of Zion, as a devoted husband and loving father, and a progressive, earnest Latter-day Saint was made. The deceased was widely known because of his position in Z. C. M. I., and the esteem in which he was held by his associates was evinced by the superintendent of that institution.

Brother Olsen leaves behind him a wife and twelve children, his aged mother and father, four brothers a sister, and uncounted friends who, sympathizing with his family, will ever remember the good qualities of a man sincerely beloved, and whose untimely "taking off" is one of those mysteries which human wisdom cannot solve, nor human skill prevent or understand.

The services and singing were all that could be desired, the spirit of peace, consolation and resignation prevailed; and only faith can say, "The Lord giveth and the Lord taketh away," or say "Blessed be the name of the Lord."

At the Tabernacle.

Tomorrow afternoon, August 26, the congregation at the Tabernacle will be addressed by Mrs. J. Ellen Foster. The lady has acquired national fame as a worker in temperance and similar interests, and has a reputation as a most entertaining speaker. Her subject tomorrow will be "The Christian Citizen."

Second Quorum.

The Second quorum of Seventies, comprising those residing in the Fifteenth and Sixth wards of this city, will meet in the Sixth Ward assembly rooms on Monday evening next, at 7:30 o'clock.

ARGUMENTS TODAY.

Counsel Entertained Commissioner McNally All the Morning.

A MOTION MADE TO DISMISS.

The Part Played By "Confederate Amateur Bunco."—Was Wells An Accomplice?

Judge Merritt's division of the Third district court, in which the previous hearings of the law and arrow case have taken place, being required this morning for district court purposes, Commissioner McNally sat in Judge Merritt's department. There was a considerable falling off in the attendance of outsiders.

Adam Paul, John James (clerk of the police court), City Detective Sheets and detective Matt Rankin followed Chief Pratt on the witness stand after the close of the News report yesterday afternoon. Clerk James proved that the defendant Furey, under the name of "Oliver Wilson," pleaded guilty to vagrancy in the police court on June 3rd of the present year, and therefore was not "Al Woods."

With the examination of the foregoing witnesses the prosecution closed last evening.

Upon the investigation being resumed this morning at 10:30, Attorney Hilbitz, of counsel for the defense, took the lead by moving for the discharge of the defendants—the upon the insufficient showing made by the prosecution. It was set, he said, every moral delinquency that the courts undertook to punish. There were a great many things representable from a moral standpoint which it was impossible for the courts to take cognizance of and so unjustifiable perhaps any one would contend that the atmosphere which surrounded this transaction, from its inception up to the present time, was a very moral one. Speaking of the complaint as where the defendants were under charge, Mr. Hilbitz took a straight shot at the county attorney, to whom he referred as "the inventor of the most remarkable complaint I have ever had the pleasure of listening to." He (Mr. Hilbitz) continued, "I am I suppose any one except himself knows what is in it." Counsel said he failed to see anything in the evidence adduced to show that any one had been injured, in part with his money by any false pretense. As to the representation made by Lafayette and Riley that Furey was no other than "Al Woods, the rifle marksman of Denver," he remarked that whatever there was in this to induce any person to part his money on the money was what the prosecution would mainly rely upon, if anything, in their chain of circumstances. Counsel continued, however, that the parties were scarcely justified in giving Furey that name as any other "alias" would be in assuming a stage name. The only person who could have embezzled any money in this matter was Wells, the stakeholder, and there was no charge against him now. This in itself was sufficient to place the hands of the other parties, therefore where could be the embezzlement? Turning next to the charge of larceny, he quoted the Nellie Blight (Illinois) case, decided in 1889 recently by the Territorial supreme court, and which was cited at an earlier stage of the inquiry. That case, he argued, has no bearing upon the case at issue. When the defendants placed their money in Wells' hands they intended part with the title thereto, conditionally only, but leaving the matter entirely with the stakeholder; and if Wells did anything wrong with it the defendants were not at all responsible. It was evident that the witness Gibbs, who was the prime mover in this whole matter, in connection with Riley—who seemed to have been a little more discreet, however, in lending his assistance to his methods—employed strategy that had here to fail sure thing. There was no question about that. Whenever they found anybody sufficient they took him into some state and let him see Lafayette shoot with his bow and arrow, and while all the witnesses for the prosecution kept in the background as far as possible, yet it cropped out in the testimony of each one that the moving cause which induced them to put up their money was the undoubted belief that Lafayette could hit that hair white "Al Woods, of Denver," could not, because he could not see it. There was nothing to show that the defendants in the match did not intend to show up and shoot on the morning agreed upon.

County Attorney Murphy, in reply, answered Mr. Hilbitz's criticism of his complaint, and for that gentleman's edification proceeded to explain the document, adding sarcastically, "It may be that counsel is less acquainted with the drawing up of complaints for conspiracy." Mr. Murphy read from the law on the subject of conspiracy, and maintained that Gibbs was an accomplice in all the offenses of the other defendants. To Furey he referred as "a pestilent agitator in this city," observing that if the witnesses whom the prosecution had called had known the true name and character of the man, it was not likely they would have stake a cent of their money. Counsel took occasion in the course of subsequent remarks to advert to that "Denver crowd," which led Mr. Sutherland to inquire promptly, "Which banker crowd do you refer to?"

"I refer to your home crowd," rejoined the county attorney with stinging emphasis, which provoked semi-laughter among the spectators.

Mr. Murphy ridiculed the suggestion of the defense that because Wells was the only man to whom the money was entrusted he stakeholder and because he forced it over to others in violation of that trust, that therefore the other defendants were not guilty of embezzlement. Of course they were principals in the crime of embezzlement if the offense was committed. Mr. Murphy called to what he claimed to be some of the stronger links in the chain against the accused. Why were three men armed, he asked, and why did they attempt to conceal their money, if they were innocent of any wrongdoing? Why did Furey attempt to embezzle of money when at the police station and afterwards try to bribe a police officer if he was innocent? It was strange, if Wells was to be a bona fide transaction, for the money deposited in it to have been found lying on the ground near Liberty park in mid jubilee, with receipts within $ bill roach and money tucked away between their underclothing, irrespective of the demonstrable conduct of Gibbs, Riley and the rest of them, the interests of public justice demanded that the defendants should, nevertheless, be punished. Even if it were conceded that Gibbs and Riley had been guilty of dishonorable conduct, that did not justify these defendants in committing larceny of their money. Mr. Murphy asked that the accused be held to answer before the grand jury, and "that these rascals, doubtless, deliberate bunco men be and turned loose upon the community to victimize another set of suckers." (Laughter.)

Mr. Sutherland replied to the county attorney and contended there was nothing upon which the defendants would be held to answer before the testimony of M. P. Wells. If there was a conspiracy at all, Wells was accomplice, and the statutes of the Territory provided that a man could not be convicted on the uncorroborated testimony of such a one. It was clear from the beginning of the transaction that Gibbs and his associates anxious to become interested in with the money at all hazards. Gibbs even went to the extent of threatening the life of Lafayette, though he had declared it was only a joke. The Gibbs party went so far as to tell the people whom they tried to induce to stake their money on the match that they were bound to win. Counsel, in reasoning to a seal, intimated that, so far as the defense was concerned, its case was now submitted.

County Attorney Murphy claimed the right to close on the part of the people, and after a lot of talk pro and con, the commissioner adjourned court (at 1:10) until three o'clock this afternoon.

It does not appear likely that the case will be finally submitted today. It is should be, Commissioner McNally will take it under advisement.)

THIRD DISTRICT COURT.

A Number of Orders Made by Chief Justice Merritt Today.

Chief Justice Merritt held court for an hour or so this morning and made the orders given below. Judge Batch did not sit today.

B. L. Rampton vs Otto Stahlmann, et al. Findings and decree signed.

S. Carson et al vs M. A. Vivian et al. Demurrer withdrawn and ten days allowed to answer.

John H. Madsen, a native of Norway, now of Salt Lake, was admitted to citizenship.

O. H. Pohl et al vs Harry T. Duke, trustee. Judgment for costs for plaintiff in accordance with remittitur of the territorial Supreme Court.

State Bank of Utah et al vs Pat. Ryan et al. The parties to this suit, it was arranged, would up and agree upon some person to act as referee.

Family J. Spencer vs Wm. H. Spencer. Divorce granted on the ground of desertion. Alimony $15 per month allowed, attorney's fee $50, and plaintiff given the custody of the minor child.

A. Pitner et al vs M. A. Vivian et al. Demurrer withdrawn; seven days to answer.

John Beck vs A. B. Hyde. Hearing on motion for appointment of a referee continued till Wednesday, the 29th inst.

James C. Wilson et al vs Robert Wilson et al. Default decree in partition. Messrs. Geo. D. Pyper, Lewis M. Cannon and A. H. Raleigh were appointed partitioners to make the sale.

H. A. M. Foulseth vs Jas. W. Grance et al. Default and decree of foreclosure.

D. Alleman & Co. vs M. A. Vivian. Demurrer withdrawn; ten days to answer.

THE OFT-REPEATED STORY.

Desertion and Cruelty the Grounds for Another Wife's Divorce.

In the Third district court today Annie Wittmaack, through her attorney (Fred E. Motsenbig), brought suit for divorce against her husband, Ferdinand Wittmaack. The grounds of the complaint are desertion and cruelty.

The marriage took place at San Francisco on December 1st, 1888. Some time in 1890 the defendant left his wife without assigning any reason therefor, thereby compelling her to support herself and her female friends. Plaintiff asserts, upon information and belief, that her husband is worth about $5,000 besides being in the constant receipt of wages sufficient for their joint support, amounting to upwards of $100 per month. Notwithstanding their marriage, Mrs. Wittmaack alleges, the defendant has treated her cruelly and inhumanly, owing towards her "vile and obscene language" and applying "vile and opprobrious epithets." He had, moreover, often threatened to kill her. Hence she prays for a dissolution of the marriage, that her former name (Mrs. Annie Gutmann) be restored to her, alimony, counsel fees, etc.

A Vicious Ball.

Mr. E. H. Oats came to from his ranch yesterday, where he has been experimenting a shipment of cattle from Salt Lake, says Wednesday's Cheyenne (Wyoming) Gazette. He relates an exciting incident which occurred while they were at work. Mr. Leo Dawson was driving behind the herd in a buggy and accompanied by his family, two ladies and three children. A vicious bull attacked the horses and threw them to the ground. The women and children managed to get out of the carriage and through a fence while Dawson fought off the infuriated animal. He was knocked down once but came through without any great harm. The horses were cared about like many balls. It was a very close call for all the people engaged.

HOW HE WAS KILLED

Particulars of the Death of Young Henry Margetts.

IT WAS PURELY ACCIDENTAL.

And Caused by the Discharge of His Father's Shotgun — The Body Brought Home—The Funeral.

The Union Pacific passenger train from the north which reached here at 1:20 this afternoon—twenty minutes late—had on board the lifeless body of young Henry Margetts, whose accidental death was announced in last night's NEWS.

Accompanying the remains were Phil Margetts Jr. and Paul Margetts sons, father and grandfather respectively, of the deceased, Henry Margetts, an uncle, and Richard Papworth, who went to Idaho from Salt Lake with young Henry on the vacation. They made the sad and grief-stricken party. But the father of the dead boy was the broad-shouldered, of-iron-and-his-swollen, crimshed eyes and every expression and movement told to unmistakable language the mental anguish and suffering he had undergone.

The party was met by relatives and friends and the sad story conveyed to Joseph William Taylor's undertaking parlors where it will be prepared for burial.

The story of the killing was told by Mr. Margetts, Henry's grandfather, substantially as follows:

During the early part of the present week a missing expedition was planned and Henry, his father, Harry Papworth and young Joe Rich started out together and on Tuesday afternoon at 4 o'clock the awful accident occurred in Indian canyon about twenty-five miles from Paris. They got into a section where there were a great many chickens and were having a royal good time shooting them. Only, it is said, had enjoined the boys to be very cautious in their use of fire arms, and they were. He was very familiar with shooting from himself and had no thought of accident. He had the infernal fortune, however, to get a defective cartridge into his gun. This was removed without trouble and another one substituted. In pulling the good shed in one of the nesales which was out of gear, in some way went down and shot the boy in the side, discharging it. Instantly a sort of half smothered cry was heard about thirty or forty yards ahead and Henry was seen hatched a limb falling to the ground. The full charge, excepting one shot, had entered his right breast. The single pellet had found its way to his heart, and he died in a very few minutes.

The body was brought about forty miles over the mountains in a wagon and reached here in a good state of preservation. The deceased's mother returned from Eureka last night and is overwhelmed with sorrow at her son's tragic death.

The funeral will be held from the family residence at No. 715, north Second West street at 4:30 p. m. tomorrow (Sunday). Friendsare invited to attend.

EDUCATIONAL JOURNAL.

Prof. Cliff in Salt Lake In Its Interest. —Letters of Dr. Millspaugh.

Prof. Cliff, of the B. Y. Academy, Provo, is in the city today. He reports 200 normals and 100 in the lower grades in attendance.

A new feature has been introduced of examining students when they enter school for the purpose of ascertaining their physical condition, in order that their capacity for study be known. Examinations will also be made during the year and also at the close of the year, and such examinations will be used in comparing the physical condition of students with the educational progress made. Prof. Cliff's errand in the city is to enlist among the educators of this city an interest in the new educational journal to contemplation, and which is to be known as the *Utah Journal of Pedagogy*. The *Journal* will have the following departments: Department of pedagogics; department of psychology, theoretical and applied; department of child study; department of methods of teaching, primary, grammar, secondary and university; department of school reports.

Dr. Millspaugh and family have just returned from a brief vacation. During his absence the doctor had the misfortune to lose his valuable horse, an animal in which himself and family were much attached.

An Artificial Limb.

John Zeller, a resident of Mountfiel, was in the city today exhibiting an artificial limb he has just finished. It is of hard, light elastic wood and is perfectly automatic. It represents the foot and part of the leg for a fifteen-year-old boy, and is well made. Mr. Zeller says he can do just as good work for the loss of the special professionals and for at least one-half of what they charge. The model he exhibits is strong, comfortable proof of his claims.

Miss Romlek Coming Again.

Miss Ellen Hornlek, who charmed so many Salt Lakers with her readings at the Theater a year ago, is to appear here again September 7th. The program will be interspersed with music. Miss Viola Pratt will be heard for the last time, before her return East, on that occasion.

Beekeepers' Convention.

The Utah Beekeepers' association will hold their semi-annual convention on October 6th, at Salt Lake City, in the Utah Exposition building, commencing at 10 a. m. and 2 p. m. A cordial welcome is extended to all.

JOHN C. SWANSE, Secy.