

included in the complaint on which these proceedings were based.

Judge Zane was today associated with Judge Rhodes on behalf of the defendants and people of Weber.

The arguments occupied all the afternoon, and at their conclusion a recess was taken until 7 in the evening at which time Judge Merritt gave his decision.

After reading the complaint his Honor proceeded to comment upon the prayer for relief as well as the demurrer and answer to the same. An injunction was an extraordinary remedy and should only be resorted to when there was no adequate remedy at law. He referred to the condition of affairs prevailing at the present time. It had been decided at Ogden that the Southern Pacific had no right to bring the men in, and he felt sorry the court's order had not been enforced. But the question now was, should this injunction be allowed to stand against these men, or had the court the power to grant it and prevent indigent persons from passing through the county; and if the court had the power to grant the injunction what would it do if the defendants violated it?

The statute on vagrancy was referred to, and quotations were made from the answer wherein the defendants denied any intention to extort food and clothing from the residents of the county by force or threat, and said that aside from the denials as contained in the answer, he did not think sufficient were shown to justify the granting of an injunction, although it had been improvidently granted. He continued, "I think the restraining order should be dissolved and the demurrer to the bill sustained. If these men come in and become vagrants the criminal statutes will govern them."

Mr. Varian thought as the demurrer had been sustained and it would not be possible for the complaint to be amended so as to constitute a cause of action that it should be dismissed, but the court refused to do so as the attorneys for plaintiff were not in court.

The Salt Lake police who had been on duty at the Davis-Weber county line were immediately ordered home and came in during the night on a special. The right of way of the "industrialists" is now open.

### THE "ARMY" ELSEWHERE.

QUINCEY, Ill., May 23.—General Kelly's army is still here, camped across the river. They want to deck their boats over to keep out the waves of the Mississippi, and it is not likely that they will get away before this evening or Thursday morning. The trades and labor assembly last night voted \$200 to the army, and this was used in purchasing provisions, so that up to this time rations have been plentiful. Their rations will soon be exhausted, however, so that unless more is contributed they will have to go hungry. The city gave them one day's rations and will give them no more.

Kelly has unbounded faith that the army will get to Washington and says that Baldwin, the aeronaut, has promised him a balloon when he gets there, from which he will make a speech and not have to get on the grass.

MISSOULA, Mont., May 23.—As the eastbound fast freight was pulling out of Noacen, a little station near the Idaho line last night, 100 men, members of the northwestern Industrial army boarded it. Major Carpenter, who is at the state line with two companies of troops, was notified and a special train bore him to the scene when the troops soon dislodged the Coxeyites and they are now camped near Forton. There are 100 more just west of there. One hundred and fifty more are coming east from Spokane and it is the intention to steal another train as their forces join. The Idaho division is guarded by troops but the Montana marshal has not asked yet for military aid. On the Coeur d'Alene branch near Iron Mountain, fifty Coxeyites climbed on a work train and attempted to get possession. The work crew repulsed them, however, and they made no further attempt. Two companies of troops at Fort Missoula have been ordered to be ready to move and are now awaiting final orders from St. Paul.

MADISON, Wis., May 25.—Fifty Montana commonwealers arrived today from Prairie Du'Chien under command of Major John B. Wilson. Over two hundred more are expected. Wilson says all will go to Chicago via Milwaukee. The railroad officials are determined to prevent them from securing trains for transportation.

LEAVENWORTH, Kansas, May 25.—General Sanders has received the following telegram from his attorney, G. W. Waters, at Topeka:

"District Attorney Perry offers to let the men go on their own recognition except your engineer and firemen, for whom bond will be given. What do you say?"

To an Associated Press reporter Sanders said he would accept the compromise and so wire his attorney. Sanders went to camp and addressed the army. The men gave vent to their feelings by cheering lustily.

The general says that they will leave here before next Monday and march to Kansas City where they expect transportation. If the compromise is not knocked out Sanders and his engineer and firemen will not be tried until September and the army will be free to go to Washington or any other place.

### THE B. Y. ACADEMY.

Prof. B. Cluff Jr., principal of the B. Y. Academy at Provo, has rendered his report for the year ending today, May 25, to the Academy trustees, and has courteously forwarded a copy to the NEWS. The report contains many interesting statistics and recommendations for which we have not space in detail, but present them in the condensed form of excerpts from the report.

Prof. Cluff announces that the eighteenth academic year of the Academy closes with an enrollment of 881 students, distributed among the several departments as follows: Kindergarten, 79 pupils; preparatory school, 193 pupils; academic department, 5 pupils; commercial department, 58 pupils; M. I. normal class, 135 pupils; Sunday school normal class, 156 pupils; normal department, 265 pupils. Total, 881 pupils.

The theological department, in

charge of Dr. M. H. Hardy as monitor, reports the following statistics: High Priests 18, Priests 73, Teachers 43, Deacons 120, lay members 324, non-members 29, not baptized 96, total 881. The theological department aims to develop the students spiritually, and to give them instructions in the principles of the Gospel and the organization and order of the Priesthood. Lectures were given on Book of Mormon subjects during the first semester by Elder George Reynolds, and during the second semester on Bible subjects by Elder David McKenzie.

Domestic organization, in charge of Prof. Jos. B. Keeler as monitor, reports the following statistics: From Provo, males, 144; females, 103. Total, 247. Foreign students, males, 403; females, 152; total, 555. Kindergarten, 79. Grand total, 881.

The object of this organization is to exercise care over the students, both in and out of school, and to give them practice in self-government. The results of this organization so far have been more than satisfactory. The presidents and ward visitors have been careful and conscientious in their work, while the body of students have sustained and supported them in their office.

The kindergarten, in charge of Mrs. Anna K. Craig, reports an enrollment during the year of 79 pupils, with four teachers in training. This school is a part of the normal training school, in that it affords opportunities for those preparing to teach in primary schools to learn the Froebelian methods of education, and to see how these methods are put in practice. Aside from this office, its aims are two: first, to train little children below the school age; second, to instruct those preparing to be kindergarten teachers in the theory and practice of the school.

The preparatory school, with Prof. Geo. H. Brimhall as director, assisted by Prof. W. M. Wolfe and Prof. N. L. Nelson as assistant teachers, and by the regular grade teachers, Miss Ella Larson the first and second grades, Miss Amy Brown for the third and fourth grades, Miss Irene Mendenhall for the fifth and sixth grades, Miss Tryphena Brimhall for the seventh grade, and Miss Rachel Edwards followed at the close of the first semester by Bro. O. W. Andelin for the eighth grade, is preparatory to the normal department and is a practice school for the teachers in training. Prof. Brimhall reports an enrollment of 193 pupils distributed in the grades as follows: First grade 44, second grade 10, third grade 23, fourth grade 10, fifth grade 11, sixth grade 9, seventh grade 38, eighth grade 48. The courses taught are progressive, beginning where the kindergarten ends, and ending where the normal and commercial work begins. The most advanced methods are used in teaching.

As to promotions, 17 are to be promoted from the eighth grade to higher departments, 13 from the seventh grade to the eighth grade, 6 from the sixth grade to the seventh grade, 8 from the fifth grade to the sixth grade, 6 from the fourth to the fifth grade, 7 from the third to the fourth, 9 from the second to the third, 10 from the first to the second, and 15 from the kindergarten to the first grade. As a