Let the advertisements decide which shall be your "shopping days." Make your schedule subject to change if you find a chance to save a few dollars

DESERET EVENING NEWS.

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TRUTH AND LIBERTY.

12 PAGES—LAST EDITION. FRIDAY, JUNE 30, 1905. SALT LAKE CITY, UTAH. FIFTY-SIXTH YEAR.

FOR ACCOUNTING OF CHURCH FUNDS

Defendants' Demurrer in Smurthwaite-Musser Case Argued Before Judge Morse.

OPENED BY ATTORNEY RICHARDS

Judge Zane Speaks for Plaintiffs and Is Followed by Judge Young for Defendants.

PLEAD TO CAUSE OF ACTION.

Defendants Contend that Facts in Case Are Not Sufficient—Substance of Argument.

Arguments on the demurrer filed by defendants to the complaint in the case of Charles A. Smurthwaite and Don Carlos Musser against Joseph F. Smith, trustee of the Church of Jesus Christ of Latter-day Saints, and other officials of the Church, were heard today by Judge Morse. The plaintiffs in the action are seeking to compel defendants to make an accounting of all the Church funds in their possession and to restrain them from using the same for commercial purposes.

The opening argument in the demurrer was made by Attorney F. S. Richards for the defendants. He was followed by Judge C. S. Zane for plaintiffs, and the arguments were closed by Judge LeGrand Young for defendants. When the noon recess was taken by the court, Judge Zane had only just commenced his argument, and it is probable that most of the afternoon will be consumed in the closing arguments.

The substance of defendants' argument in support of the demurrer, is as follows:

FACTS NOT SUFFICIENT.

There is no allegation in the complaint of any wrongful act on the part of the defendants, or either of them, and there is no allegation that either of the defendants have ever misappropriated any of the property or funds of the Church, or that they have ever used the same for their own personal benefit. On the contrary, the allegation is that "Joseph F. Smith, with the sanction and advice of the other defendants, in the name of said Church, and at other times, as Trustee in Trust for said Church, and sometimes in his own name, for said Church, unlawfully uses Church funds in secular business."

The allegation that he "unlawfully uses Church funds in secular business" is a conclusion of law and not a statement of fact.

Admitting for the purposes of the demurrer that the tithings, contributions and bequests are to be expended, as the complaint says, "exclusively for Church purposes, such as building and repairing temples, houses of worship, payment of officers, aiding its missionaries, and for the relief of its poor, and towards charitable objects connected with said Church," there is no allegation that any of these purposes have been neglected or left unprovided for by reason of any act of the defendants, or either of them.

So far as this argument is concerned, we have the right to assume that all necessary temples and houses of worship have been built and repaired; that all the Church officers have been paid; that the missionaries have received all the aid that they require; that the poor have been relieved, and that the charities connected with the Church have been fully provided for. Such being the case, there is no cause of action stated against the defendants.

The last clause of paragraph 3, that "the same cannot lawfully be used in secular business, to-wit: mercantile, commercial, industrial, or business enterprises, or speculations" is a mere conclusion of law and not a statement of fact, and therefore it cannot be considered in this discussion.

The other allegations of the complaint are, in substance, that the tithes amount to $1,000,000 annually; that since his appointment as President and trustee-in-trust, in September, 1901, Joseph F. Smith has invested with the advice and sanction of the other defendants, as much as $500,000 per annum "in various kinds of secular business, industries, enterprises and ventures for profits and subject to losses and hazards," and in "the purchase of large tracts of land in Canada and Mexico, for speculation and to provide estates and residences for the Church officials and leaders and others," enumerated in the 5th paragraph of the complaint. That more than $1,000,000 was, at the time Joseph F. Smith became President, invested, or has since been invested, with the advice and sanction of the other defendants, in "various temporal and secular enterprises, stocks, ventures, speculations and undertakings," enumerated in paragraph 7 of the complaint, and that such investments will be continued unless restrained by the court; that plaintiffs cannot state the several amounts of said investments.

Similar allegations are made in the 8th paragraph about bequests and donations and the following language is used, "said Church, or its President and trustee-in-trust, had, nor have they, any lawful right to divert said property or money so held to any other use or purpose, or to invest it in any secular business, but plaintiffs allege on information and belief, as aforesaid, that said Joseph F. Smith, as president, as aforesaid, and trustee-in-trust, with the advice and sanction of the other defendants, from time to time, in violation of the trust, pursuant to which said property, donations, and gifts were made and held, invested and risked in competition, a large part thereof in the stocks, speculations and business of various companies as alleged, as aforesaid, for profits."

The allegations in the eighth paragraph that the Church had no "lawful right to divert said property or money so held to any other use or purpose, or to invest it in any secular business," and that said Joseph F. Smith invested the same "in violation of the trust, pursuant to which said property donations and gifts were made and held," are mere conclusions of law and not statements of fact.

In the ninth paragraph the plaintiff alleges that the defendants, unless restrained, "will continue to risk and invest the said tithing and other contributions and donations in the hands of said Church and said trustees for Church purposes unlawfully and without authority in various enterprises, ventures, speculations, and various classes of business, purely of a secular and temporal nature, for profits and subject to losses." The words "unlawful and without authority," as used in this allegation, are a conclusion of law and not a statement of fact.

The allegations of the complaint simply state that after applying all the property and funds of the Church that are necessary to the promotion of the objects mentioned in the complaint as "Church purposes" the surplus remaining in the hands of the president and trustee-in-trust was invested in business enterprises, and, so far as this court can know from the complaint, these investments were wisely and judiciously made. There is no allegation that they are not good, safe, paying investments, and, so far as this argument is concerned, it may be assumed that they are such.

The complaint does not state facts which show any breach or violation of the trust. In order to do so it would be necessary to allege some misappropriation of Church property or funds by the defendants, or some of them, to their own use and benefit. It does not even appear that any of the property or funds of the Church had been wrongfully diverted from legitimate "Church purposes," and in consequence thereof that such purposes had been deprived of necessary means for their continuance and maintenance. There is an absolute failure to make any such showing. Not a single allegation is made to that effect in any part of the complaint.

It is a well settled rule that conclusions of law are not admitted by the demurrer.

"A demurrer admits the matter of fact, since it refers the law arising upon the fact to the judgment of the court, and, therefore, the fact is taken to be true on such demurrer, or otherwise the court has no foundation on which to make any judgment. But only such facts as are issuable and well pleaded are admitted."—2 Estee's Pl. Sec. 3070-3088, and cases cited in notes.

"A demurrer admits the truth of such facts as are issuable and well pleaded; but it does not admit the conclusions which counsel may choose to draw therefrom, although they may be stated in the complaint. It is to the soundness of those conclusions whether stated in the complaint or not, that a demurrer is directed and to which it applies the proper test."—Branham v. Mayor, 24 Cal. 502.

"If the facts stated in the pleading demurred to are insufficient, they are not helped by adding a conclusion of law; such conclusions are not admitted; it is to the soundness of these conclusions, whether stated in the complaint or not, that a demurrer is directed, and to which it applies the proper test."—Bliss on Code Pl. Sec. 418, and cases cited. Hall vs. Bartlett 9 Barb.

NO INTEREST, HENCE NO RIGHT.

It is alleged in the complaint "that plaintiffs are members of said Church of which there are many thousands" and that they "sue on their own behalf and on behalf of all other members of the Church of Jesus Christ of Latter-day Saints." This allegation does not show that the plaintiffs have any such interest in the subject matter of the action as would entitle them to institute a suit concerning it. They do not even allege that they are tithe payers or have contributed in any way to the funds which they seek to have this court control, nor do they show that they belong to any of the classes of persons who would have an interest in the distribution of the Church funds. They do not allege that, by reason of any acts of the defendants, they have been deprived of the use of any of the temples or houses of worship of the Church, nor that they are officers of the Church and have not been paid for their services, nor that they are missionaries and entitled to aid, nor that they are poor and require relief, nor that they are engaged in any of the charitable objects connected with the Church and have been injured by reason of a failure to provide for their maintenance.

"Every action must be prosecuted in the name of the real party in interest, except that an executor or administrator, a trustee of an express trust, or a person expressly authorized by statute, may sue without joining with him the person for whose benefit the action is prosecuted. A person with whom or in whose name, a contract is made for the benefit of another, is a trustee of an express trust, within the meaning of this section." Revised Statutes of Utah of 1898, Sec. 2502.

"Another objection which may be taken by demurrer to the substance of the bill, is, that the plaintiff has no interest in the subject matter, or no proper title to institute a suit concerning it, whenever the objection is apparent on the face of the bill." Story's Eq. Pl. Sec. 502.

"It is a general rule that a suit in equity must be brought by the real party in interest in his own name, or at least he must be made a party, and it is not allowable to bring a suit in equity in the name of one person for the use of another not made a party." 15 Encyc. of Pl. Prac. 664, and cases cited in note.

"The interest or right of a plaintiff must be an actual, existing interest which would be affected by the judgment of the court and not a mere possible interest. If the action is not brought in the name of the real party in interest it is fatal to the action." 3 Deering Civil Proc. Sec. 367. (Ed. of 1885, last note).

"The plaintiff must have such an interest in the subject matter of a suit as gives him title to relief; and must be more than a mere intermeddler." Parkman v. Alcardi 34 Ala. 399.

"The real party in interest, within the meaning of this provision of the code, is the person who will be entitled to the benefits of the action if successful, one who is actually and substantially interested in the subject matter as distinguished from one who has only a nominal, formal, or technical interest in or connection with it." 15 Encyc. of Pl. Prac. 719, and cases cited in note.

"It is well settled that the complainant cannot maintain his suit unless he both avers and establishes by proof, where the averment is denied, that he has an interest in the subject matter of the suit or right to the thing demanded and a proper title to institute the suit. If such want of title appears upon the face of the bill, the objection may be taken by general demurrer." 1 Beach's Eq. Prac. Sec. 261 and cases cited in note.

"The objection that an action is brought in the name of a person who is not the real party in interest can be raised upon a demurrer to the complaint on the ground that it does not state a cause of action." People v. Haggin, 57 Cal. 570.

"Relief in equity will not be granted where the complainant shows no sufficient equitable interest to claim the interposition of a court of equity."

(Continued on page two.)

EIGHT THOUSAND IMPERIAL SAILORS AT CRONSTADT MUTINY

ST. PETERSBURG, JUNE 30, 3:25 P. M.—A SENSATIONAL REPORT IS CURRENT THAT 8,000 IMPERIAL SAILORS TOGETHER WITH THE WORKMEN AT THE YARDS AND DOCKS OF THE NAVAL PORT OF CRONSTADT HAVE SUDDENLY REFUSED TO WORK AND THAT PRACTICALLY A STATE OF MUTINY EXISTS THERE.

ST. PETERSBURG, JUNE 30, 4:55 P. M.—THE MUTINY OF SAILORS AT CRONSTADT IS CONFIRMED. ONE OFFICER WAS KILLED.

THE SITUATION WAS REFLECTED BY AN ALL AROUND SLUMP ON THE BOURSE TODAY. IMPERIAL 4s WERE SUSTAINED BY THE GOVERNMENT, BUT NEVERTHELESS THEY FELL ALMOST A POINT.

AMERICAN SHIPS AT CHERBOURG

Greeted with a Roar of Guns from The Fort and Warships and Dipping of Flags.

TO BRING PAUL JONES' BODY.

Much Regret Expressed that French Squadron Did Not Arrive in Time To Participate.

Cherbourg, June 30.—The American squadron, commanded by Rear Admiral Sigsbee, consisting of the armored cruiser Brooklyn (flagship), and the protected cruisers Chattanooga, Tacoma and Galveston, which is to convey the body of Admiral Paul Jones to the United States, arrived here at 9 o'clock this morning and was greeted with a roar of guns from the land forts and warships and the dipping of flags on board all the vessels in the harbor. A thick mist overhung the sea, preventing the semaphores from registering the approach of the American ships until they were near the outer harbor. The squadron presented a handsome appearance as it approached with the Brooklyn leading the line. The batteries at the arsenal fired a welcoming salute of 21 guns, to which the four American vessels answered gun for gun. The squadron anchored in the inner harbor at a point designated by Admiral Besson, commander of the port. The aspect of the harbor was strikingly beautiful, as the sun came out and the many merchanimen, steam yachts and other pleasure craft in these waters strung out their full complement of colors in which the American flag predominated.

The Brooklyn was soon the center of a flotilla of small craft, while the quays were quickly lined with people, and the houses fronting the harbor were made bright with bunting, including many American flags.

Much regret was felt at the fact that the division of the French northern squadron assigned to participate in the ceremonies of the transfer of the American admiral's body to the Brooklyn next week did not arrive here in time to participate in the welcome to the American ships.

Admiral Sigsbee, accompanied by the commanders of the four American ships, called on Admiral Besson and the latter, accompanied by his staff, returned the visit on board the Brooklyn, the ships firing an admiral's salute.

The French division, including the battleship Bouvines, Henri IV and Tresourt is expected here hourly.

Secy. Hay Improving.

Newbury, N. H., June 30.—The improvement in Secy. of State John Hay's condition today was even more marked than on yesterday. Dr. Murphy stated today that Mr. Hay would be able to leave his bed by Sunday.

Mr. Hay, replying today to a cable inquiry of Prof. Groedel, said:

"Mild cystitis improving. Nothing complex. Thanks."

AUTOMOBILE CARNIVAL.

Great Chicago-St. Paul One is Now On.

Chicago, June 30.—The great Chicago and St. Paul automobile touring carnival is on. The cars started on their long trip at a few minutes after 9 o'clock today down Michigan avenue, for what promises to be the greatest tour ever held in America. The processions was an imposing one. The 50 machines which left the clubhouse this morning, decorated with pennants bearing different motoes, looked more like a parade than the beginning of a grind of 500 miles across country roads.

N. H. Van Sycln preceded the regular body of tourists in the scout car, to strew the roads with confetti, in order to mark the route for the drivers, most of whom have never been over the roads.

The first night's stop will be at Rockford, Ill. There local tourists will entertain the Chicagoans and join in the carnival, when early tomorrow morning the trip is resumed. The second day's stop will be made at Dubuque.

No efforts will be made to hang up new records for the trip and five days will be taken for the 500 miles. The main body of dust begrimed autoists is expected to arrive in St. Paul Tuesday morning.

BLACK SEA FLEET.

Armies at Odessa to Take Measures Against Kniaz Potemkine.

Paris, June 30, 5:30 p. m.—Official advices from Odessa say that three warships of the Black sea fleet have arrived there for the purpose of taking measures against the mutinous crew of the battleship Kniaz Potemkine. No action, however, has yet been taken nor has the commander of the squadron indicated his intentions. Some fear that the crews of the advancing warships may sympathize with the mutineers and join issue with them. Comparative calm has been restored within the city but disorder continues in the harbor section where considerable parts of the wharves and docks have been burned.

Precise information is not given in the official advices but they are understood to further confirm the press reports that the dead and wounded number several hundred.

ENTIRE NORWEGIAN ARMY HAS BEEN MOBILIZED.

Stockholm, June 30, 4:15 p. m.—A telegram from Trondhjem to the Jentlands-Posten announces that almost the entire Norwegian army has been mobilized and that three classes of conscription are armed and in training. On Tuesday night, it is added, 2,000 infantry were moved towards the Swedish boundary. Sixty-five cars and two engines were sent out from Trondhjem to assist in the movement of troops.

WHO IS GOING TO RULE THE PACIFIC?

Sir John Colomb Asks that Question in the House of Commons.

UNITED STATES INTENDS TO.

Great Britain Would Dread a Rupture With This Country, but Ruptures Sometimes Come.

London, June 30.—During the discussion of the naval estimates in the house of commons, Edmund Robertson (Liberal), a former civil lord of the admiralty, asked for further information concerning the new battleships. Mr. Prettyman, secretary of the admiralty, replied lengthily, claiming the highest efficiency for the navy under the new scheme. He declined to give particulars of the new battleships, but said Great Britain proposed to lead and not follow other nations in naval construction.

Sir John Colomb said he did not agree with the opposition speakers in saying the time had come when the naval expenditure might be reduced. On the contrary, Sir John said, everything pointed to the necessity for keeping up the naval strength of Great Britain. The real question now is: Who is going to rule the Pacific? President Roosevelt said the United States intended to rule the Pacific. The United States was giving every sign that this was her intention by the extraordinary increase in her naval power.

Sir John declared that in the not distant future questions would arise in the Pacific affecting the policy of Japan, the United States and Great Britain. He asked what Great Britain was doing against the time when her interests ceased to be identical with those of the two great powers whose naval bases were in the Pacific. No one believed that the Anglo-Japanese alliance would last forever. Great Britain looked with dread to a rupture with the United States, but she could not shut her eyes to the fact that ruptures had occurred between the most friendly nations. Sir John asked what the government was doing to remind Canada and the British colonies of the great responsibilities which they would incur when their seaports and immense interests in the Pacific were imminently threatened.

Secy. Prettyman, replying to Sir John, said Great Britain did not desire the mastery of any sea beyond securing an equal opportunity for British trade interests without fear or favor. To say that Great Britain desired the mastery of the Pacific or any other sea might give a false impression.

JOHN T. STEPHENS MADE CHIEF ENGINEER OF CANAL.

Washington, June 30.—It is understood that John F. Stevens of Chicago, formerly fourth vice president of the Chicago, Rock Island and Pacific railway, has been selected as chief engineer of the Panama canal commission to succeed John F. Wallace.

Mr. Stevens' salary will be $20,000 per year, and he is not to be a member of the Isthmian canal commission. His proposed trip to the Philippines with Secy. Taft as a government railway expert has been abandoned.

Chicago, June 30.—Mr. John F. Stevens, formerly was connected with the Chicago, Rock Island and Pacific railway as second vice president. He resigned that position and was appointed as an expert for the United States government to go to Manila with Secy. Taft and his party to make a report on the feasibility on the construction of about 1,000 miles of railway in the Philippines.

Prior to his connection with the Rock Island system Mr. Stevens was vice president of the Great Northern railway.

STEVENS' SUCCESSOR.

Washington, June 30.—W. A. Darling of Chicago, who is connected with the Rock Island railway, has been tendered an appointment to succeed J. F. Stevens in the work of railway construction in the Philippines. His appointment has not yet been announced officially, but it is understood he will accept the place.

J. D. ROCKEFELLER MAKES GREAT GIFT

Gives Ten Million Dollars for Higher Education in the United States.

TO BE HELD AS AN ENDOWMENT

It is Not Sectarian and Income is to Be Distributed as Board of Trustees Sees Proper.

New York, June 30.—Ten million dollars as an endowment for higher education in the United States has been given the general education board by John D. Rockefeller. The announcement was made by Dr. Wallace Buttrick of the board at a meeting today. The following letter to the secretaries and executive officers of the board from F. T. Gates, Mr. Rockefeller's representative, was given out:

"A gift of $10,000,000 from Mr. John D. Rockefeller was immediately passed over to the board especially assigned for educational work in the south. Other funds have been added by other philanthropists since that time and the board has confined its work hitherto mainly to educational work in the southern states.

"The present gift differs from Mr. Rockefeller's first gift to the board in the following particulars:

"The principal sum of the gift of $1,000,000 made on the organization of the board could be distributed. The present gift of $10,000,000 is held as endowment, the income only being available for distribution.

"The first gift was designed to be used expressly in the southern states. The present gift is for use not only in the southern states, but throughout the United States without distinction of section.

"The first gift would be used for common schools and secondary educations; the second gift is confined to higher education and is designed especially for colleges as distinguished from the great universities, although there is no prohibition in the letter of gift against making contributions to universities.

"Both gifts are alike available for denominational schools as well as for those which are non-sectarian.

"While the funds may be employed for denominational schools they will be employed without sectarian distinctions. No special denomination will be particularly favored, but the funds will be open to approved schools of all denominations although they cannot be employed for giving specifically theological instruction.

"In distributing the funds the board will aim especially to favor those institutions which are well located and which have a constituency strong and able to ensure permanency and power. No attempt will be made to resuscitate moribund schools or to assist institutions which are so located that they cannot promise to be permanently useful.

"Within these limits there are no restrictions as to the use of the income. It may be used for endowment, for buildings, for current expenses, for debts, for apparatus, for any other purpose which may be found most serviceable.

"It is known that Mr. Rockefeller has had this gift in contemplation for a long time and Mr. Gates has been studying the subject in his behalf for many months. If the fund proves as useful as is now anticipated Mr. Rockefeller will undoubtedly make large additions to it in future years.

"The present members of the board are as follows: Robert C. Ogden, chairman; Geo. Foster Peabody, treasurer, Wallace Buttrick, secretary and executive officer for the states south of the Potomac and Ohio river and Arkansas, Louisiana, and Texas; Starr J. Murphy, secretary and executive officer of the states of the north and west; Frederick T. Gates, Daniel C. Gilman, Morris K. Jesup, Walter H. Page, Albert Shaw, John D. Rockefeller, Jr., Hugh H. Hanna, William R. Harper and E. Benj. Andrews.

"There are four vacancies in the board which are expected to be filled later."

"26 Broadway, New York, June 30, 1905. To Messrs. Wallace Buttrick and Starr J. Murphy, secretaries and executive officers, general education board, New York.—Dear Sirs: I am authorized by Mr. John D. Rockefeller to say that he will contribute to the general education board the sum of $10,000,000 to be paid for, I next, in cash or at his option, in income-producing securities at their market value, the principal to be held in perpetuity as a foundation for education, the income, above expenses and administration, to be distributed to, or used for the benefit of such institutions of learning, at such times, in such amounts, for such purposes and under such conditions, or employed in such other ways as the board may deem best adapted to promote a comprehensive system of higher education in the United States.

(Signed) "F. T. GATES."

With the letter the following statement was given out:

"John D. Rockefeller, Jr., with other gentlemen of this city, was instrumental in forming the general education board in February, 1902. A very broad and admirable charter was secured from Congress and signed by President Roosevelt on Jan. 12, 1903.

SOLDIERS ARRESTED FOR MAKING BOGUS COIN.

Honolulu, June 26.—United States Marshal E. R. Henry has arrested four soldiers belonging to the Twenty-fourth battery, of coast artillery, stationed at Camp McKinley, on charges of counterfeiting, passing and possessing spurious gold coin. The marshal also seized a gold-plating machine believed to have been used by the counterfeiters.

The coins alleged to have been made illegally are five and ten-dollar pieces. The materials used were lead and copper, plated with gold. An excellent die was used, but the coins are light and lack the ring of the genuine gold pieces. A number of them, believed to have been passed in the Japanese quarter, reached a local bank on Saturday. An investigation was immediately begun by United States Atty. R. W. Breckons and the arrests followed.

The men in custody are J. T. Cooper, who had the gold plated in his possession, Thomas Hilsen, charged with passing the bogus money, James Jackson, on whom was found a spurious dollar piece, and J. Langley, who was arrested on suspicion.

The investigation is being continued. Efforts to locate and obtain possession of the die which was used by the counterfeiters, have as yet been unsuccessful.

Private Cooper tonight confessed his guilt. He said the coins were made here and when it was found the world had not pass readily he became frightened and destroyed the rest. He also says he threw away 250 of the counterfeit dollar coins made. Very few pieces had been passed.

Steamers for Panama Line.

Washington, June 30.—Chairman Shonts announces that the Isthmian canal commission purchased from the Ward line, with a view to their lease by the commission to the Panama Railroad of the American steamers Mexico and Havana at $630,000 each, which is less than the original cost of the vessels.

These vessels are of 5,000 tons each and capable of sustaining a speed of 16 knots. They are provided with large hatches and side ports, enabling the shipment of heavy cargo.

These vessels will be immediately turned over for the use of the Panama Railroad and Steamship line enabling the company to dispense with two vessels now chartered at a high price. The speed of these vessels will save four days on each round trip giving five round trips a year more than any foreign vessels available.

FLOATING ISLANDS.

Bring Hosts of Animals Into Buenos Ayres Harbor.

New York, June 30.—The recent inundation of the River Parana has had strange consequences, cables the Herald's correspondent at Buenos Ayres. By the great extension of the river Plate, the docks of Buenos Ayres and the harbor have been invaded by floating islands of land torn from the banks of the Parana. These have brought hosts of tropical animals, hundreds of big serpents and many crocodiles. Even a tiger cub has been captured within the harbor.

Bank Robber Indentified

Portland, Or., June 30.—A special to the Oregonian from Woodburn, Or., says that W. J. Culver, sheriff of Marion county brought from The Dalles tonight Jack Hoffman, who on arrival here was identified by O. A. Nendell and Walter Durant as one of the men who robbed the bank of Woodburn.

BATTLE OF SEA OF JAPAN.

To Germans Lesson it Teaches is Bigger Battleships.

Berlin, June 30.—The German Naval league in a regular news bulletin says the lesson of the battle of the Sea of Japan is that the best type of warships is the battleship of the largest displacement equipped with the heaviest possible guns and armor. The league notes that the Japanese torpedoboats attacked after the Russian fleet had been weakened.

The armored corvette Hansa, the first warship built under the German empire and which was laid down at Dantzic in 1872, is offered for sale to the highest bidder. She lies at Kiel with several other old vessels stricken off the navy list.

A writer in Die Grenz Boten, which contains official communications, analyzes the German navy as follows:

"Of 38 battleships on paper including those laid down or authorized by the naval program, 13 are called 'coal boxes,' scarcely fit for harbor defense. Number 38 has not yet been begun. Of the remainder only 10 approach the modern battleships of other powers in size and gun power. The task before the government is defined to be to replace the antiquated ships with modern vessels."

C. H. HUBBELL APPOINTED

General Superintendent of the Central District Rock Island.

Chicago, June 30.—Charles H. Hubbell has been appointed general superintendent of the Central district of the Rock Island railroad. He will have charge of the line from Chicago to Denver.

Mr. Hubbell started with the Rock Island about 30 years ago as a telegraph operator and was promoted until he became superintendent of the Chicago Terminal division, which position he leaves July 1 to become general superintendent of the central district.

PUSHING EXCURSION.

Real Estate Association Meets With Gratifying Encouragement.

The Real Estate association can always rely upon support from Salt Lake merchants. This was exemplified today when sign-painters and dry-goods houses were "held up" by the advertising committee for real estate day at Saltair, July 14.

Owing to the kind offers of Mr. Peterson, Mr. Hamlin, Mr. Dan and in fact all of the well known sign painters, and the cooperating of Varney & Green, the advertising contractors, there is every prospect of the Real Estate excursion being thoroughly advertised. The Kiesel-Brien company, Walker Brothers Dry Goods company, and L. S. A. Cohn and Z. C. M. I. willingly contribute the material on which to paint the signs, and merchants generally enthusiastically offer to allow the realty men to decorate the exterior of their buildings with the legend "$5,000 in prizes. Real Estate day at Saltair July 14." The P. W. Gardiner Printing Co., kindly donated the printing.

Mr. Reed of the Consolidated Railway & Power company seems delighted at the idea of decorating the street-cars in the same way.

RUSSIA HAS REACHED A CRISIS

Few Days will See Revolt Crushed Or Flames of Revolution Beyond Hope of Control.

ROMANOFFS IN GREAT DANGER.

Nothing Like Present Situation Has Been Seen Since Insurrection in December, 1825

GOVERNMENT SEEMS PARALYZED.

Kruger's Squadron Has Not Left Sebastopol—Upper Classes are Leaving St. Petersburg.

St. Petersburg, June 30, 2 p. m.—Not since the insurrection in December, 1825, when a portion of the guard regiments joined in an attempt to set up a republic in Russia has the situation of the autocracy and the Romanoff dynasty been so serious. Nevertheless, the crisis may be passed in a few days. Either the open revolt will by that time be stamped out or the flames will have spread possibly beyond the hope of control.

At the admiralty it is said that Rear Admiral Kruger's squadron is expected to arrive at Odessa during the day. No explanation is offered for the delay of the squadron's sailing from Sevastopol. It is admitted, although great reticence is manfested, that at 9 o'clock last night, the Kniaz Potemkine was firing upon the city. The admiralty thinks the mutinous crew were probably drunk. The officials consider it possible that the crew were supporting the strikers and revolutionists ashore against the troops. Throughout the day the soldiers and police had evidently refrained from attempting to interfere with the strikers under the threats of the mutineers of the battleship to use their guns against them. Although it is possible acquiescense is due to fear, the authorities think they are unreliable and a regiment of dragoons and a brigade of artillery have been sent to Odessa from Kherson. These troops should have arrived at Odessa this morning. With these reinforcements and the city under martial law, it is believed the military governor will be strong enough to attempt to suppress the rioters by force. The plan is believed to be for the troops to crush the disorders in the city, while Kruger's squadron holds the entrance to the harbor. It is apparently a question whether Kruger will engage the Kniaz Potemkine if she refuses to surrender as firing upon the vessel might be too dangerous a test for the sailors on board his ships. Besides it would involve necessarily the destruction of the battleship, costing several millions, and damage to the city. Admiral Skrydloff's plan of starving out the mutinous crew is more likely to be followed.

At Libau the mutinous sailors to the number of about 5,000 were finally corralled by troops and artillery in a wood near the port and by this morning 1,000 of them had already surrendered. Their comrades possibly will be starved out. Whether there was any great loss of life is as yet unknown.

Great precautions are being taken to prevent the possible spreading of the mutiny to the sailors of St. Petersburg and Cronstadt.

The newspapers are not allowed to print a word of the official dispatches regarding the revolt of the sailors but several of them in a roundabout fashion have succeeded in hinting at startling developments.

The Novoe Vremya with seeming innocence announced that the Gazette of the Prefecture has addressed the inhabitants of that city requesting them to keep off the streets so as to avoid accidents when the troops are firing. Other papers remark upon the massing of troops in south Russia.

Considerable nervousness prevails among the upper classes at St. Petersburg. Many of those who have not already left town for the summer are hestily preparing to go abroad.

Ambassador Meyer's family leaves St. Petersburg by the northern express tomorrow, sailing July 7 for the United States, where they will spend the summer. Their trip, however, was arranged long ago and is not connected with the present developments.

M. Rechnitzoff, president of the Yalta Timber company, has suddenly arrived in St. Petersburg.

AGNESS BOYLE O'REILLY.

Irish Poet's Daughter Marries a Protestant.

Boston, June 30.—Miss Agnes Boyle O'Reilly, third daughter of the Irish poet and patriot, John Boyle O'Reilly, has been married to Ernest Hocking, professor of philosophy at Philip's Andover academy. The ceremony was performed by Rev. S. M. Crothers, a Unitarian clergyman of Cambridge, after the bride had tried in vain to procure a Roman Catholic priest to officiate, Archbishop Williams having refused his permission. The marriage occurred at the bride's home in Brookline.

Another Victory for Weaver.

Philadelphia, June 30.—Select councils has passed the bill repealing ordinances which gave the Philadelphia Rapid Transit company the right to lay tracks on an additional 110 miles of street without the city receiving anything for the franchises. This is another victory for Mayor Weaver.