

WHITMORE'S APPEAL.

The Case Bobs Up Before Judge Barch Once More.

JOHN ZANE IN A QUANDARY.

Marshal Brigham Appoints Two More Deputies for This District.

They Are Ex-City Marshal Janney and J. B. Timony--The Hearing of Sullivan et al. Set for This Morning--The Mariner Attachment Case.

The attorneys in the now familiar Whitmore contempt case met in Judge Barch's court yesterday morning to settle the defendant's bill of exceptions. The plaintiffs offered certain amendments to the bill, which were not opposed by the defense, and the bill of exceptions and order of judgment in the case were then signed by the court.

This being done, Judge Henderson filed a notice of appeal and a cost bond, and asked that the court fix a supersedeas bond. In addition to this he also argued the matter of the defendant's right to appeal from the judgment of contempt, and was answered by John M. Zane for the plaintiff.

At 2 o'clock Judge Barch rendered his final judgment. After reviewing the case he held that an appeal would lie and closed by saying: "A stay of proceedings will be granted."

Mr. Varian left the room in apparent disgust, and although Mr. Zane called upon him to remain he did not heed the request.

Zane then called and said: "Does your Honor sit proceedings in such a case as this on a bond of \$300, such as has been filed here?"

Judge Barch--The statute provides for the bond. Judge Henderson then asked for a certificate of probable cause to prevent Whitmore from being imprisoned.

Zane strongly opposed the granting of such a certificate and stated that the effect of its issuance would be a denial of justice, and that there was no reason for granting it.

Judge Henderson--Well, if the certificate is granted we will give you a bond that may be required.

Mr. Zane--Your honor, a certificate of probable cause might nullify the entire proceedings, and leave the matter as it now stands for years.

Judge Barch--If it is appealed as a civil action, how then? Mr. Zane--I never heard of anything of the kind in my life. The matter is solely governed by the criminal statutes.

Judge Henderson--But an appeal is of no account to us unless the proceedings are stayed.

Judge Barch--Well, I don't care to hear anything more of this case. The order will stand as first made.

Mr. Zane--Well, I do not yet understand the order; is the defendant remanded to the custody of an officer? Judge Barch--No; the proceedings are stayed.

This did the permission fall into the lap of the defendant. After the attorneys had left the room a HERALD reporter asked Mr. Zane what effect the order just entered would have on the case.

"God only knows," said he, "I don't."

Judge Zane also passed upon several motions in the original case during the day. He dismissed and denied the motion for a new trial; denied the application for a writ of mandate to compel the report of the water commissioner; modified the cost bill to the extent of \$28.75.

NEW DEPUTY MARSHALS. Ex-City Marshal Janney and J. B. Timony are appointed.

Marshal Brigham made two appointments yesterday as follows: J. B. Timony was appointed deputy marshal for this district and Ex-City Marshal Janney was appointed a guard at the penitentiary.

THE CONTEMPT CASE. Sullivan et al. to have a hearing this morning.

The contempt proceedings against Sheriff Sullivan, T. J. Donahoe, H. F. Greer, C. M. Thackston and Deputy Sheriff Scott, all of Juab county, will be taken up before Judge Barch at 10 o'clock this morning. Judge Zane will not hold court today but hear formal matters on Monday.

The Mariner Attachment Case. The attachment suits against L. C. Maringer in the sum of \$11,258.50 were not settled yesterday as expected but the whole matter will probably be adjusted in a few days. Mr. Maringer stated to a HERALD reporter last evening that he never came into actual possession of the cattle attached, and never had any particular interest in the proceeding.

Minor Filings. Anna T. Withnack vs. Ferdinand W. Withnack; motion for additional alimony.

Isaac Hunter vs. the Salt Lake & Los Angeles Railway company; answer of defendant.

Thomas Vinard vs. the Niagara Mining & Smelting company; answer of defendant.

Thomas Bernise vs. Helen M. Morgan et al.; demurrer to complaint.

Accounts of F. B. Stephens from May 12 to May 31 inclusive, approved.

Jacob A. Dupu vs. John H. Whalon; ten days additional time to amend complaint.

Probate Court Orders. The following orders were made in the probate court yesterday:

Estate and guardianship of Sarah Cavanaugh, minor; order made allowing guardian's semi-annual account.

Estate and guardianship of Andrew Gibson et al., minors; guardian's account allowed.

Estate of William W. Taylor, deceased; sale of real estate confirmed.

Estate of Andrew Miner, deceased; same.

Estate of Henry Cumberland, deceased; sale of personal property confirmed.

Estate of Nathaniel H. Fell, deceased; appraisers appointed and order of publication of notice to creditors made.

Estate of James Manahan, deceased; July 19 set to hear petition for letters of administration.

Estate of George A. Smith, deceased; decree of due and legal notice to creditors made.

SPORTING NOTES. The butchers of this city have arranged for some races to take place at the old race track on the 24th.

Only horses regularly used in delivering can be entered, and the knights of the clever exact to the minutest detail.

Jacob Shafer, the celebrated billiardist, and Billy Spinks, who spends much of his time in Salt Lake, are expected here very soon.

Harry Shafer, a cousin of "the wizard," has resided in this city for many years.

Peter Maher, the Irish champion, will probably be in Salt Lake in a short time.

FINANCIAL. The Metals.

Silver 75 3/4. Copper 10 1/2. Tin 18 1/2.

New York Money Market. New York, July 7--Money on call, more active; ranging from 6 to 20; closed offered at 4.

New York Stock Market. New York, July 7--The tendency of prices at the stock exchange today was upward.

Bank Clearings for the Week. New York, July 7--The following table is compiled by the street of the clearings for the week ended July 7.

Morning Railroad Stocks. New York, July 7.

Closing Railroad Stocks. New York, July 7.

Boston Quotations. Boston, July 7.

Closing Mining Stocks. New York, July 7.

Chicago General Market. Chicago, July 7--Wheat--Steady; cash, 65; Sept., 69 1/2.

Chicago Live Stock. Chicago, July 7--Cattle--Receipts, 10,000; good, steady; common and Texas, weak; best beefs, 4 1/2 to 5 1/2.

Chicago Grain Market. Chicago, July 7--Wheat--Fair, trade opened 1/2 higher, advanced 3/4 more on bad crop reports.

Liverpool Grain Market. Liverpool, July 7--Wheat--Demand poor; 3 red winter, 56 1/2; 2 red spring, 54 1/2.

Short Orders. John J. Montague vs. George McCarrall et al.; demurrer overruled.

Moline State Savings bank vs. George O. Noble; referee's report confirmed.

To Restore

hair which has become thin, and keep the scalp clean and healthy, use

AYER'S HAIR VIGOR

It prevents the hair from falling out or turning gray. The best

Dressing

People's Forwarding COMPANY.

Will Pay the rates here quoted and guarantee them to be the ruling prices.

Table with columns: GRAIN, Buying, Selling. Items include Wheat, Oats, Barley, Corn, Pop Corn, Harvest Queen, High Patent, Straight Grade, Family, Pearlina Meal, Corn Meal, Graham, Graham 108, Rye, Buckwheat, Oatmeal, Bran, Shores.

Only line running through Pullman palace sleeping cars Salt Lake to San Francisco; Salt Lake to Denver via Grand Junction and Salt Lake to Kansas City and Chicago via Colorado points.

Union Pacific SYSTEM.

THE THROUGH CAR LINE. TRAINS ARRIVE AND DEPART AT SALT LAKE CITY DAILY AS FOLLOWS:

From all points east. 3:00 a.m. From Butte, Portland, San Fran. 10:00 a.m.

From all points east Park City and Ogden. 11:50 a.m. From Ogden and Cache Valley points. 7:10 p.m.

From Provo and intermediate points. 9:45 a.m. From Milford, Juab, Provo and Eureka 6:50 p.m.

From terminus and Tooele. 4:00 p.m. DEPART: For Ogden Park City and all points East. 5:30 a.m.

For Butte, Portland, San Francisco and Cache Valley points. 10:05 a.m. For Ogden, Park City and all points East. 6:30 p.m.

For Ogden, intermediate points and San Francisco. 9:00 p.m. For Provo, Juab and Priceton. 7:15 a.m.

For Eureka, Provo and intermediate points. 5:01 p.m. For Tooele and Terminus. 7:45 a.m.

Daily, Sundays excepted. Does not run between Juab and Milford on Sundays.

For time of Gardfield Branch trains see special local advertisement. CITY TICKET OFFICE, 201 MAIN ST. D. E. BURLEY, Gen'l Agt. Passg. Dept. E. L. LOMAX, Gen. Manager. G. P. & T. Agt.

BURLINGTON ROUTE.

BEST LINE TO DENVER, Omaha, Kansas City, ST. LOUIS, CHICAGO.

Three Trains Daily. Secure your tickets and sleeping car accommodations at Rio Grande Western Railway office, Main and Second South streets.

W. F. McMILLAN, Gen'l Agt. Colorado Midland RAILWAY. Office of General Passenger Agent.

Additional Cripple Creek Service. Commencing May 1st, the Colorado Midland Railway will put on and run daily thereafter additional suburban trains to accommodate Cripple Creek and surrounding business, as follows:

WESTBOUND. Lv. Colorado Springs 8:10 a.m. Arrive Divide 9:25 a.m. Arrive Florence 10:52 a.m.

EASTBOUND. Lv. Florence 11:30 a.m. Arr. Woodland Park 1:50 a.m. Lv. Woodland Park 1:50 a.m. Ar. Colo Spgs 1:30 p.m. Ar. Pueblo 5:30 p.m. Ar. Denver 6:30 p.m.

This arrangement gives a convenient and rapid service into and out of Cripple Creek.

UTAH NATIONAL BANK

CAPITAL AND SURPLUS, \$222,000. Transacts a General Banking Business.

SAFE DEPOSIT BOXES FOR RENT. JOSEPH M. STOUTY, President; ALEXANDER BOERS, Vice President; T. L. WILLIAMS, Second Vice President; A. H. JONES, Cashier.

T. R. Jones & Co., BANKERS.

SALT LAKE CITY, UTAH. B. H. SCHEITLER, Banking and Brokerage, 60, South East Temple St.

REAL ESTATE, STOCKS AND BONDS BOUGHT A SOLD. NOTARY WORK.

ESTABLISHED 1874. McCORMICK & Co., BANKERS, A General Banking Business Transacted.

Collections Promptly made on All Points in the West and Northwest. Careful attention given to Collections of Ores and Bullion. Exchange and Telegraphic Transfers on the Principal Cities of the United States and Europe.

PRINCIPAL CORRESPONDENTS: New York--Importers and Traders' National Bank, Kountze Brothers, Chicago--Commercial National Bank, San Francisco--First National Bank, Omaha--Omaha National Bank, St. Louis--National Bank of Commerce, Kansas City--National Bank of Kansas City, First National Bank, American National Bank, Denver--Denver National Bank, City National Bank, Portland--First National Bank, Portland, Oregon--First National Bank, London--Martin's Bank (Limited) 65 Lombard Street.

National Bank of the Republic Capital, \$500,000. PROGRESS BUILDING, SALT LAKE CITY. 6 per cent. Interest Paid on Time Deposits.

DIRECTORS: FRANK KNOX, President. J. A. EARLE, Cashier. GEORGE A. LOWE, W. E. SMITH, J. C. STURDIVANT, H. L. A. CULMER, G. S. HOLMES, EMANUEL KARR.

A General Banking Business Transacted. Capital, \$300,000. Surplus, \$42,800.

COMMERCIAL NATIONAL BANK OF SALT LAKE CITY. Cor. Second South and Commercial Sts. General Banking in All its Branches.

Issues Certificates of Deposit payable on demand, bearing interest if left a specified time. Sales Drafts and Bills of Exchange on all principal cities in the United States and Europe.

Geo. M. Downey, Pres. W. P. Noble, V. Pres. Thos. Marshall, and V. P. F. H. Auerbach, John H. Day, J. O. Saltburn, Guyan C. Fox, John W. Donnellan, Edwin Kimball, Cashier.

UTAH Commercial and Savings Bank, SALT LAKE CITY. Capital, \$200,000. Surplus, \$40,000.

Five per cent. interest paid on Savings Deposits, compounded four times a year. Nickel Savings Stamps for sale at the bank or any of its agents.

DIRECTORS: Francis Armstrong, P. W. Madsen, Dr. Joseph S. Richards, T. W. Ellerbeck, Bolivar Roberts, Thos. W. Jennings, Oscar H. Hardy, Sam. A. Melnyer, M. E. Cummings.

WELLS, FARGO & CO.'S BANK, Salt Lake City, Utah. Established 1852. Transacts a General Banking Business.

J. E. DOOLY, CASHIER. CAPITAL AND SURPLUS, \$445,000. UNION NATIONAL BANK Successor to WALKER BROS., Bankers. Established 1859.

UNITED STATES DEPOSITORY. SAFE DEPOSIT BOXES FOR RENT. J. E. Walker, Pres. M. H. Walker, V. Pres. M. J. Cheesman, Cashier. L. H. Farnsworth, Assistant Cashier. J. K. Walker, Jr., Assistant Cashier.

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BUGGIES. PHAETONS. 145 STATE STREET.

NEW STYLES. GEORGE A. LOWE. LOWEST PRICE. SURRIES. CARRIAGES.

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SALT LAKE CITY, UTAH. PAID IN CAPITAL, \$500,000.00. SURPLUS, \$300,000.00.

L. S. HILLS, Pres't. MOSES THATCHER, Vice-Pres't. H. S. YOUNG, Cashier.

DIRECTORS: L. S. HILLS, MOSES THATCHER, W. W. RITER, J. T. LITTLE, JAMES SHARP, D. H. PERRY, GEORGE ROMNEY, JOHN R. BARNES, T. W. JENNINGS, HENRY DIRWOODY, J. C. CUSTLER, JOHN R. WINDER, E. R. ELDRIDGE.

A GENERAL BANKING BUSINESS TRANSACTED. Safe Deposit Vaults, Absolutely Burglar and Fire-Proof. Rents, \$3 to \$25 per year.

CORRESPONDENTS--New York City, American Exchange National Bank and Kountze Brothers; CHICAGO, Union National Bank; St. LOUIS, Merchants Bank; OMAHA, First National Bank and Nebraska National Bank; DENVER, Colorado National Bank; SAN FRANCISCO, Bank of California; LONDON, Melville, Fisk & Co.

American National Bank, OF SALT LAKE CITY. Capital \$250,000. Surplus, \$50,000. Organized October, 1890.

INTEREST PAID ON SAVINGS AND TIME DEPOSITS. DIRECTORS--James H. Bacon, Pres't; H. M. Bacon, Vice-Pres't; J. L. Holland, Cashier; W. B. Holland, Asst. Cashier; A. M. Grant, M. J. Gray, S. J. Jarvis, J. W. Judd, C. F. Lockwood, F. W. Ross, Eljah Sells, D. G. Tunnick, T. A. Davis.

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SHILOH'S CATARRH REMEDY. HAVE YOU CATARRH? This remedy is guaranteed to cure you. Educ. Agents, Lectures free. A. C. SMITH & CO.

Children Cry for PITCHER'S CASTORIA. Castoria is so well adapted to children that I recommend it as superior to any prescription known to all over the world.

"I use Castoria in my practice, and find it specially adapted to affections of children." ALEX. ROBERTSON, M. D., 102 2d Ave., New York.

"From personal knowledge I can say that Castoria is a most excellent medicine for children." DR. G. C. JOHNSON, Lowell, Mass.

Castoria promotes Digestion, and overcomes Flatulence, Constipation, Sour Stomach, Diarrhoea, and Feverishness. Thus the child is rendered healthy and its sleep natural. Castoria contains no Morphine or other narcotic property.

LADIES ONLY. Dr. DuMont's Female Regulating Pills are always safe and reliable. 15,000 testimonials from all over the world. Beware of cheap imitations and substitutes. Price \$2.00 per package. Sent by mail securely sealed from Observation. Address: Dr. R. DuMont, 92 S. Main Street, Chicago, Ill., U. S. A.

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THE CHICAGO, MILWAUKEE & ST. PAUL RAILWAY. Will be sent FREE of charge a picture 14x20 inches in size, of the World's Fair buildings, a map of the United States, map of Chicago and other valuable information.

JOHN H. KEENE, Commercial Agent. JOHN H. ALLEN, Traveling, Freight and Passenger Agent, Room 22 Morlan Block, 15 W. Second South street, Salt Lake City, Utah. Mention this paper.

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Who are