

UNITED STATES COURTS

Grand and Petit Jurors Impaneled for the November Term.

JUDGE MARSHALL'S CHARGE

CHARGE OF ILLICIT DISTILLING AGAINST PEHRSONS DISMISSED.

Opinion Handed Down by the State Supreme Court in Culmer vs. Clift—Eddins Damage Suit Still Occupies Judge Street—District Court Orders and General Legal News.

The United States courts met yesterday morning, with Judge Marshall on the bench. The chief business was the impaneling of grand and petit jurors for the term of court just opened.

The following gentlemen constitute the grand jury: John T. Claseby, B. G. Raybould, Ben R. Eldredge, W. F. St. John, John Godin, Joseph A. Silver, John Clark, William McQueen, H. P. Richards, James H. Ball, W. G. Sharp, El Manning, E. G. Holding, W. B. Donaldson, C. A. Monson, Miranda E. and John E. Crowther.

Mr. W. G. Sharp was appointed foreman of the grand jury, and they were sworn, instructed as to their duties and retired in charge of a bailiff to begin work. The district attorney stated that the time occupied by the grand jury would probably be about two weeks.

The following constitute the petit jury so far as shown qualified for examination: A. F. Barnes, John E. Dooly, Thomas H. Ball, W. W. Ritter, R. Savage, Peter Lowe, Andrew Peterson, Arthur Paterson, J. W. Tate, G. H. Bachman, Thomas Alston, W. C. Burton, William C. Clark, H. J. Cannon, H. G. Park, John Boyd, George E. Romney and Joel Parish.

Metars, Henry Barnes, Peter Greaves Jr. and William Kent were on good excuses given excused from service on the first day.

Messrs. Hoyt Sherman Jr., R. R. Anderson, Isaac Barton and Adam Patterson, failing to appear in response to summons, attachments were ordered issued against them.

Luther Tuttle, Nathan Sears, Jesse W. Smith, Jr., J. H. Spargo, T. R. Condie were excused as grand jurors.

Short Orders and Notes.

Robert Allen, indicted for fornication, was arraigned and entered a plea of not guilty.

Nels Jensen was admitted to practice in the United States courts and took the oath.

The court adjourned to meet again this morning at 10 o'clock when it is expected that the Hon. Moses Hallett of Denver, Colorado, will be present to attend to all business called up in which Judge Marshall was formerly attorney and consequently disqualified.

STATE COURTS.

Opinion Handed Down from the Supreme Bench.

The state supreme court yesterday rendered an opinion in the case of George F. Culmer vs. F. D. Clift, defendant and appellant, and A. Nink et al., defendants. The opinion, which was written by Justice Miner and concurred in by Chief Justice Zane and Justice Eddy, affirmed the judgment of the court below.

In 1890 defendant Clift entered into a contract with defendant Nink to furnish material and labor to rebuild the Gladstone building in this city, under plans prepared by Carrol & Kern, architects, and under their supervision.

G. F. Culmer & Bros., the E. P. Coffin Hardware company and Fred W. Gray was material men and sub-contractors, assigned their claims arising from mechanics' liens to the plaintiff, who brought suit to foreclose the same. Judgment for the plaintiff was rendered in the court below, which was now affirmed.

Eddins' Damage Suit.

The damage suit of John and Harriet Eddins, husband and wife, against Salt Lake City, was resumed in the Third district court before Judge Street and the jury yesterday. The plaintiffs brought two suits to recover \$10,000 damages each, alleging that they were driving in a wagon on First West street when their horses became frightened by a great and unnecessary noise from a steam roller, being operated by the city. The horses ran away, collided with a telephone pole and tipped the plaintiffs out, seriously injuring them.

Court Cullings.

Judge Ritchie will make settings of cases as follows: Monday, November 16; Monday, November 30, and Monday, December 14.

Judge Hildes returned on Sunday from Washington, D. C., where he went to argue a case before the United States supreme court. His honor will open the November term of the Third district court this morning and Doctors McCoy and Fowler will be brought up for sentence this morning. Arguments for new trials will be made in both cases.

Justice Harvey has been confined to his room by sickness for several days and is not expected to be out till the end of the week.

Judge Ritchie was occupied yesterday in hearing arguments in the case of Ann Kirby et al. vs. Kaye Keating, an appeal from a ruling of the probate court praying that a deed to certain real estate be set aside. After the arguments the honor took the case under advisement.

THE JUDGE'S CHARGE.

Judge Marshall's charge to the grand jury was as follows: Gentlemen of the Grand Jury—The duties imposed upon you are among the most important to society. Under the constitution of the United States no serious crime against the United States can be prosecuted unless an indictment be found by a grand jury. The way you should discharge your duty is indicated in the oath you have just taken.

You have sworn to diligently inquire into and true presentment make of all such matters and things as shall be given to you in charge, or shall otherwise come to your knowledge, and the present and future crimes specially given to you in charge will be presented to you by the United States attorney, who will appear before you as the representative of the government. He will examine the witnesses before you and will call to the stand such other witnesses as you may direct.

If, in the examination as to any offense so given to you in charge, the evidence tends to show the commission of some other offense against the United States, it is your duty to investigate such other offense, and make presentment thereof, if the evidence warrants it. It is also the duty of any member of the grand jury, if he has knowledge of the commission of any offense against the United States, to call your attention to it, and you should then fully investigate it, and act in accordance with the evidence presented. You must not receive any but legal evidence, that is, evidence which would be admitted in a court of justice on a trial of the accused for the offense charged. Rumor and suspicion are not sufficient to put in jeopardy any man's liberty. It is a wrong to suspect a man's guilt, and you should not remember that it is a serious wrong that an innocent man should be carelessly indicted; therefore, you will not be justified in finding an indictment against any one, unless the evidence before you, if taken alone and unexplained, would warrant a petit jury in finding a verdict of guilty in other words, unless the evidence tends to convince you of the defendant's guilt beyond a reasonable doubt.

Nothing is a crime against the United States unless it be expressly made so by statute. The United States attorney will direct your attention to the necessary provisions of the statutes, and will advise you as to their construction. The laws which apply to any matter of law, which direction it will be your duty to follow—for grand juries are not constituted to try questions of fact, but to determine questions of law, which direction it will be your duty to follow.

Power intervenes to save from punishment, even when the defendant is guilty of an offense, does not morally deserve sentence. With that power you have nothing to do. When you do your duty, you do not expiate what those to whom that power is vested will not be lacking in their duty.

You have sworn to present no person through malice, hatred or ill-will, and that you will leave no one unprotected through fear, favor or affection, or for any fee or reward, or the hope or promise thereof.

That you may not be made the instrument of what is called a plea of justice, you will not permit private prosecutors to appear before you. Such prosecutions are so frequently the result of malice and revenge as to make it unsafe to attempt to justify in cases prosecuted with such motive. Of course you will understand that no witness should be debarred from testifying because he happened to be the person especially injured by the crime.

You will not permit any person to be present with you during your deliberation on the finding of an indictment, nor any person other than the witness testifying and the United States attorney, or assistant United States attorney, during the taking of the testimony.

You may retire, subject to the call of your foreman.

Pehrons Dismisssed.

In the case of the two old people, Paul Pehron and his wife, Petronella Pehron, who were arrested some months ago on charges of illicit distilling, it appearing that the old man had died since the preliminary hearing and their release on bail, it was on motion of the district attorney, ordered that the proceedings against them both be dismissed.

The Pehrons resided in the neighborhood of Brigham City, and manufactured a kind of home-brewed beer, which, it was claimed, had intoxicating qualities, and it was also alleged that they sold it to their neighbors without having a license.

They were both very old and very poor Scandinavians and unable to speak English, and it was generally be-

A GANG OF THIEVES

Officer Shannon Thinks He Has Discovered One.

AN ATTEMPTED HOLDUP.

THIS TIME IT WAS NOT A SUCCESS.

Charles Claypool, a Youthful Offender, Makes His Escape—Charge of Assault Against William Crowther and His Three Sons.

Young petty larceny thieves are becoming quite numerous and are causing the police no little amount of trouble. It comes chiefly within the province of Mounted Officer Dick Shannon to trace this class of offenders, as the greater number of them are of poor parents and reside in the outskirts of the city. In many instances, the young offenders are instigated by their parents, but once in a while some incorrigible finds his way behind the bars through information furnished by his honest parents.

Yesterday while the officer was making his rounds in the southwestern part of the city, he got a "tip" that aided him in trailing down a well-organized gang of youthful petty thieves. The officer walked right up to a house where he was informed the parents of one of the suspected boys resided, and without giving the father any opportunity for thought, demanded to see some of the articles brought home by their young hopeful last Friday. At first the parent denied the presence of any suspicious wares, but finally acknowledged their son had brought home several pairs of ladies' shoes, which he had told them he had found. Then followed the disclosure that the boys were in the habit of bringing home various articles from time to time. When sent to school he would invariably seek bad company and go out on plundering expeditions, and so clearly was the officer satisfied of the truth that they have escaped arrest.

The officer, after ascertaining the names of the boy's associates, laid in wait for the return of the youth until quite a late hour last night, but he did not appear. The officer will go down to the house early this morning and make the arrest.

The plunder recovered by the officer consists chiefly of footwear. There are several pairs of very fine ladies' shoes, such as of retail for \$5 and upwards, besides rubbers and several pairs of overshoes. The officer refused to give any names or disclose from which place the goods have been taken, as the boys are well known to the officer who is employed in a well-known shoe store.

Attempted Holdup.

Another attempted hold-up was reported at the police station about 9 o'clock last night. A man whose name could not be obtained, was walking on the corner of Fourth East a man stepped out of the shadow of some trees and asked to be informed as to the hour. The man, who was dressed in a suit, furnished the wanted information, when the ruffian grabbed for it, but his reach was short. Instead of debating the question with the would-be robber, the man wheeled where he met a friend to whom he told the story. The footpad pursued him for half a block, he said. No shots were fired.

This friend who informed the police did not know the name of the man who had the experience. It was evident he was in an excited frame of mind, for as soon as he had told his experience he started off at a brisk pace westward on Third South, and the police who waited for him to put in an appearance at headquarters and give a description of his assailant looked for him in vain.

Made His Escape.

Charles Claypool, a 15-year-old incorrigible who is charged with petty larceny, made a break for liberty yesterday morning while being escorted around and ran as far as Main street, Turney Kimball had three prisoners in charge and while unlocking the door to the jail Claypool gave him the slip. At last accounts the boy had not been recaptured.

The Crowthers in Trouble.

William Crowther, sr., William Crowther, jr., Charles Crowther and David Crowther, a father and three sons, were in the police court yesterday on the charge of assault and battery. They entered plea of not guilty. They were tried at 10 a. m. today. The hearing promises to be quite interesting. John Robinson, the complaining witness, states that a short time ago he was on his way to the city jail. Defendants, at the corner of North Temple and Eighth West streets, to recover a wagon tongue belonging to him, and which was in the possession of the Crowthers. He alleges that instead of returning his property to him, the defendants rushed at him with shovels, and threatened to assault him.

Robinson also claims that David Crowther obtained from him a saddle by fraudulent representations.

The only permanent cure for chronic catarrh is to thoroughly expel the poison from the system by the faithful and persistent use of Ayer's Sarsaparilla. This wonderful remedy proves successful when all other treatment has failed to relieve the sufferer.

TO CITY OF MEXICO AND RETURN.

Only \$75.40.

Via the Union Pacific Nov. 6 and 9. Tickets good returning until Dec. 31. A beautiful winter excursion. For particulars call at city ticket office, 201 Main street.

AFTER THE TIEB.

Aug. J. Bogel, the leading druggist of Shreveport, La., says: "Dr. King's New Discovery is the only thing that cures my cough, and it is the best seller I have." J. F. Campbell, merchant of Safford, Ariz., writes: "Dr. King's New Discovery is all that is claimed for it; it never fails, and is a sure cure for Consumption, Coughs, and all other ailments of the chest, and today stands at the head. It never disappoints. Free trial bottles at Z. C. M. I. drug dept."

THANKSGIVING DAY.

Proclamation Issued by Governor Wells Yesterday, Designating Thursday, Nov. 26.

Governor Wells yesterday issued a proclamation designating Thursday, Nov. 26, as a day of thanksgiving for the people of this state. The proclamation is as follows: The people of Utah ever appreciative of the continued rich blessings of nature vouchsafed in our glorious climate, in the fertility of our soil and the treasures of our hills, in the abundance of our return for our labors in the fields, upon the ranges, in the mines and manufacturing, and in the enlargement of our civil rights in being admitted to the Union as a sovereign state, acknowledge with reverence the almighty providence that has been over us; and that we may give proper expression to the gratitude of our hearts in such manner as shall be most fitting,

Therefore I, Heber M. Wells, governor of the state of Utah, in pursuance of law and in conformity with the proclamation of the president of the United States designating Thursday, Nov. 26, as a day of thanksgiving and prayer, do hereby request the people of this state upon that day to forego their customary labors and pursuits and assemble in their fireside altars to praise the Giver of all good and to further honor the day by remembering the poor and the unfortunate by acts of charity and good fellowship.

In testimony whereof, I have set my hand and caused the great seal of the state to be hereunto affixed this fifth day of November, in the year of Our Lord One Thousand Eight Hundred and Ninety-Six, of the Independence of the United States the One Hundred and Twentieth and the first year of the reign of our noble and patriotic President, WILLIAM MCKEAN.

HEBER M. WELLS, By the Governor: JAMES T. HAYMOND, Secretary of State.

For Nervousness. Use Horsford's Acid Phosphate.

Dr. T. G. Comstock, attending physician at Good Samaritan Hospital, Louisville, Mo., says: "We have used it in this hospital in dyspepsia, nervous conditions and nervous diseases. It has the unanimous approval of the medical staff of this hospital."

IN RAILWAY CIRCLES.

THE ROCK ISLAND MAKES A RECORD BREAKING RUN.

Eighty Miles an Hour Attained—The Excursion to Mexico Did Not Take a Great Number of Salt Larkers.

CHICAGO, Nov. 9.—A record-breaking run was made by the Rock Island special train which brought back the members of the Western Society of Engineers from the inspection trip to the new steel bridge between Rock Island and Davenport. The trip from Rock Island to Chicago, a distance of 182 miles, was made in exactly three hours and forty minutes; the train leaving Rock Island at 3:04 yesterday afternoon, arriving in Chicago at the Van Buren street depot at 8:44 p. m. Between Rock Island and Joliet, 50 miles of our case made, and this time would have been kept up through to Chicago, but for the necessity of stopping at various crossings and letting off passengers between Blue Island and the Van Buren street station. The maximum speed was reached between Sheffield and Wynnet when for five miles a speed of 80 miles an hour was obtained, which is about as fast, if not faster, than was ever made before west of Chicago.

The Excursion to Mexico.

The special rate of \$75.40 for the round trip to the City of Mexico did not attract as large a number of excursionists as was expected. Seventeen people joined R. D. Winters party, which left over the Rio Grande Western and the Union Pacific took out a number of excursionists.

Santa Fe Receivership.

TOPEKA, Nov. 9.—In the Santa Fe receivership case—sensational developments are promised. Receiver Johnson, who was appointed by Judge Myers, of Oklahoma, to manage the property of the Santa Fe, will make a formal demand for the return of the property from Treasurer Wilder and upon the latter's refusal to turn over, Foster will make an order to place him in jail for contempt of court. A clash of authority has also arisen between Prosecutor Phyness of Oklahoma and the governor, the latter holding that he is supreme in his order to the attorney general to take charge of the case. Phyness maintains the governor cannot interfere with proceedings of the district court and this action will also be tested tomorrow morning.

Railway Notes.

Delayed trains will be in order if this kind of weather holds out.

La. Lobe Fuller and her company will come in over the Union Pacific today.

The B. Y. Academy football team will come up from Provo on Saturday morning over the Union Pacific and meet the university eleven in the afternoon.

Small, But Effective.

was the little Monitor that met the Merrimack at Hampton Roads. So, too, are Dr. King's Pleasant Pellets effective in conquering the enemy—disease. When you take a pill it's an important point to have them small—provided they have equal strength and efficacy. You find what you want in these little pills of Dr. King's. They're put up in a better way, and they act in a better way, than the huge, old-fashioned pills. What you want when you're "all out of sorts"—grumpy, thick-headed, and take gloomy view of life, is these "Pellets," to clear up your system and start your liver into healthful action. Sick headache, bilious headache, constipation, indigestion, bilious attacks, and all derangements of the liver, stomach and bowels, are prevented, relieved and cured. Put up in glass vials, and always fresh and reliable.

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Your doctor will tell you that it is the one food for all those whose weight is below the standard of health.

Put up in 50 cts. and \$1.00 sizes, and sold by all druggists.

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Cripple

The iron grasp of scrofula has no mercy upon its victims. This demon of the blood is often not satisfied with causing dreadful sores, but racks the body with the pains of rheumatism until Hood's Sarsaparilla cures.

"Nearly four years ago I became afflicted with scrofula and rheumatism.

Made Well

Running sores broke out on my thighs. Pieces of bone came out and an operation was contemplated. I had rheumatism in my legs, drawn up out of shape. I lost appetite, could not sleep. I was a perfect wreck. I continued to grow worse and finally gave up the doctor's treatment to

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Four per cent interest paid on savings deposits. Our compounded savings equal to any on the market. Blue Pointa and Rockaways especially. Turkey, spring chickens and wild game constantly on hand. 71 West First South street. Telephone 30.

Hood's Sarsaparilla

Is the One True Blood Purifier. All druggists, \$1. Prepared only by C. L. Hood & Co., Lowell, Mass.

Hood's Pills take, easy to operate. 25c.

Winter Overcoats.

\$7.50 to \$25—yes, even at \$5. The overcoats will wear well and are stylish cut. The Overcoats at \$5 are in light and dark colors. The Overcoats at \$10 and \$12 are of black and blue Meltons or Kerseys, and are silk-sewed. Any reasonable man will be satisfied with the Overcoat we sell him—stylish cutting characterizes them all. All are tailored, not simply sewed up. To be sure, the higher the price the more hand work is put on the garment, and the stuffs we use are honest cloths—and honest cloths are pretty scarce in these days of shoddy.

Boys' Overcoats and Reefers.

Boys from three to fourteen years are apt to be very hard on Overcoats. We sell the good kind, the kind that will stand the hardest kind of wear, and what is more, we combine style with these good wearing qualities. We do not claim our Cape Overcoats at \$1.50 are tailored or lined as well as the \$2.50 ones, but we do claim a great deal for the Cape Overcoats at \$4, \$4.50 and \$5. They are all wool, made very nobby, braided and fixed up to give the Overcoats a style and finish. You might pay \$7.50 for an Overcoat, but it is a question if you could find anything that would wear better or look more stylish.

Reefers.

We carry a very large stock of Reefers. They have come to stay—the boys like them, the mothers admire them. We have them at \$2.50, \$3 and \$4, in blues—not expensive, and are warm and nobby. The very swell ones at \$5 and \$6 are beauties—how they set off the little ones. Well, they are young but once; why shouldn't they look well and dress warm?

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