"There is now in the country $1,600,000,000 in gold," says United States Treasurer Treat. Where do they keep it all, do you suppose?—San Antonio Gazette.

THE SALT LAKE HERALD.

Established June 6, 1870. SALT LAKE CITY, UTAH, SATURDAY, APRIL 13, 1907 12 Pages. Price, Five Cents.

The advertisement is the "missing link" of business—without it the chain is broken.—Profitable Advertising.

MAJORITY VOTED FOR FIRST DEGREE MURDER

Jury in the Thaw Case Stood Seven to Five Against the Slayer of Stanford White.

Disagreed and Were Discharged—Prisoner Remanded to the Tombs to Await a New Trial.

New York, April 12.—Hopelessly divided—seven for a verdict of guilty of murder in the first degree and five for acquittal on the ground of insanity—the jury which since Jan. 23 last had been trying Harry K. Thaw reported today, after forty-seven hours and eight minutes of deliberation, that it could not possibly agree on a verdict. The twelve men were promptly discharged by Justice Fitzgerald, who declared that he, too, believed their task was hopeless. Thaw was remanded to the Tombs without bail to await a second trial on the charge of having murdered Stanford White.

Long Summer in Prison.

When this new trial would take place no one connected with the case could tonight express an opinion. District Attorney Jerome declared there were many other persons accused of homicide awaiting trial, and Thaw would have to take his turn with the rest. As to a possible change of venue, both the district attorney and counsel for Thaw declared they would make no such move. Thaw's attorneys will have a conference tomorrow with the prisoner to decide on the next step. They may make an early application for bail. Mr. Jerome said he would strenuously oppose it. He added the belief that as seven of the jurors had voted for "guilty" his opposition probably would be successful. In that event Thaw has another long summer before him in the city prison, for his case on the already crowded criminal calendar cannot possibly be reached until some time next fall.

Disagreement Expected.

The scenes attending the announcement by the jury of its inability to agree were robbed of any theatricalism by the general belief that after their long deliberation and the reports of a wide division of sentiment the jurors could make no other report than one of disagreement.

Thaw, surrounded by the members of his family, received the news in absolute silence. When it became known that the jury was able to make its report, Thaw called his wife to a seat by his side and sat with his right arm thrown about her until he was commanded to stand and face the jurors. Smiling and confident as he entered the court room, he sank limply into his chair when Foreman Deming B. Smith, in response to a question by Clerk Penny as to whether a verdict had been agreed upon, said:

"We have not."

Effect Upon the Family.

The mother, her features hidden behind a dense veil of black, sat stolid and motionless. In ill health of late, she had felt severely the strain and stress of the long hours of anxious waiting. The wife gripped her husband's hand tightly as the jury foreman spoke, and then when he sank down by her side she tried to cheer him as best she could by saying that she believed he would now be admitted to bail and that a second jury would surely set him free. The mother, the sisters and the brothers, pale and well nigh exhausted by their tedious, nerve-racking wait for a verdict, were permitted to speak with Thaw for a few moments to bid him be of good cheer, before he crossed the "bridge of sighs" to the cell which until a few minutes before he had hoped that he was about to quit forever.

Crowd Kept Moving.

Outside the big square criminal courts building only a few hundred persons were gathered. Thousands had been there earlier in the day, but the police reinforcements had arrived with instructions to keep everyone moving, and this had soon tired the idle and curious into a willingness to depart.

The court room itself was half empty. Only the newspaper men, the court attaches and a few favored friends were allowed to enter to hear the verdict. Justice Fitzgerald feared a demonstration of some sort should the general public be admitted, and he gave strict orders against this.

It was 4:25 o'clock when the jury filed into the court room.

Thaw Was Waiting.

Harry Thaw had been waiting for a summons to face the jurors ever since shortly after 10 o'clock this morning. He felt that today would bring a crisis, and that either a verdict would be reached or Justice Fitzgerald would discharge the jurors from any further consideration of the case. This was the general belief, and the only remarkable feature of the case was the dogged manner in which the jurors continued at their task and declined to ask to be excused. Justice Fitzgerald had determined to let them fight it out among themselves until they should call for assistance. This appeal came at 4:15 o'clock, and then followed a hunt for counsel, both District Attorney Jerome and the attorneys for the defense having temporarily left the building. When they arrived Justice Fitzgerald notified them of the jury's communication that a disagreement seemed inevitable. Every one connected with the case seemed willing to accept the situation as offering no hope, and then followed the brief court room proceedings at which the disagreement was publicly announced: the jury dismissed and the prisoner remanded. Entering the court room at 4:25 p. m., the jury was free eight minutes later.

Statement by Thaw.

Thaw, when he had returned to the Tombs, gave out the following statement:

"I believe that every man in the jury possessing average intelligence, excepting possibly Mr. Bolton, comprehended the weight of evidence and balanced it for acquittal. All my family bid me good-bye with courage. I trust (D. V.), we may all keep well."

To his attorneys, Thaw said he was deeply disappointed.

"But I could hardly expect anything else, in view of the events of the last few days," he added.

Early in the day Thaw had given out another statement, in which he said he had desired that his fate should be judged on the "written laws of the state of New York." He declared that he believed the evidence adduced had convinced even District Attorney Jerome of his innocence under the strict letter of the law.

Delmas Not in Court.

Attorney Delphin M. Delmas, who conducted Thaw's case in court, and who in making his summing up address to the jury appealed almost directly to the "unwritten law" and "dementia Americana," as he termed it, was not in court today when the jury made its report and was discharged.

Clifford W. Hartridge, the attorney of record and warm personal friend of Thaw, gave the following statement to the Associated Press:

"Mr. Thaw has already expressed himself desirous of a trial under and in accordance with the laws of the state of New York. I can add nothing to that except to say that I entirely agree with him, and hope that we shall have a new trial speedily and that the next time it will not be necessary for the presiding judge to have to charge the jury that we are living in a civilized community."

Attorneys Daniel O'Reilly, Clifford W. Hartridge, A. Russell Peabody and John B. Gleason acted for Thaw today. It was said that Mr. O'Reilly would have a leading part in the future conduct of affairs.

Jury Room Proceedings.

The story of the proceedings in the jury room as they were learned tonight far outranked in interest the brief court proceedings which brought the famous trial to a close. It developed that the jury had considered everything connected with the case except the "unwritten law," basing their judgment entirely on the evidence. They voted either for or against murder in the first degree when they cast their first ballot. The first vote was eight to four in favor of conviction.

Then the jury tried to reach a common ground on a verdict of manslaughter in the first degree, the punishment for which ranges to a maximum of twenty years' imprisonment. The men in favor of acquittal—largely on the ground of insanity, it is said—would not change their ballots, and in the end won over to their side one of the eight who favored conviction. During the nearly forty-eight hours of deliberation only eight ballots were cast. The jury spent the two night sessions dosing in their chairs.

The Final Ballot.

The entire story of what happened in the jury room from the time the twelve men retired at 5:17 o'clock on Wednesday afternoon until they finally decided this afternoon that the prospects of a verdict were too remote to warrant longer discussion of the facts, was told by one of the jurors, Henry C. Harney. The final ballot, taken just before the jury reported its disagreement in court, was as follows:

For conviction of murder in the first degree—Deming B. Smith, foreman; George Pfaff, No. 2; Charles H. Fecke, No. 3; Harry C. Brearley, No. 6; Charles D. Newton, No. [illegible] Joseph B. Bolton, No. 11, and Bernard Gerstman, No. 12.

For acquittal on the ground of insanity—Oscar A. Pink, No. 4; Henry C. Harney, No 5; Malcolm S. Fraser, No. 7; Wilbur F. Steele, No. 9, and John S. Dennee, No. 10.

Juror Harney said:

Eight to Four at First.

"About ten minutes after we reached the jury room we took the first ballot, and it resulted in a vote of eight for conviction of murder in the first degree and four for absolute acquittal. The men who voted for conviction were: Smith, foreman; Pfaff, Fecke, Brearley, Dennee, Bolton, Newton and Gerstman.

"The men who voted to set Thaw free were Pink, Harney, Fraser and Steele.

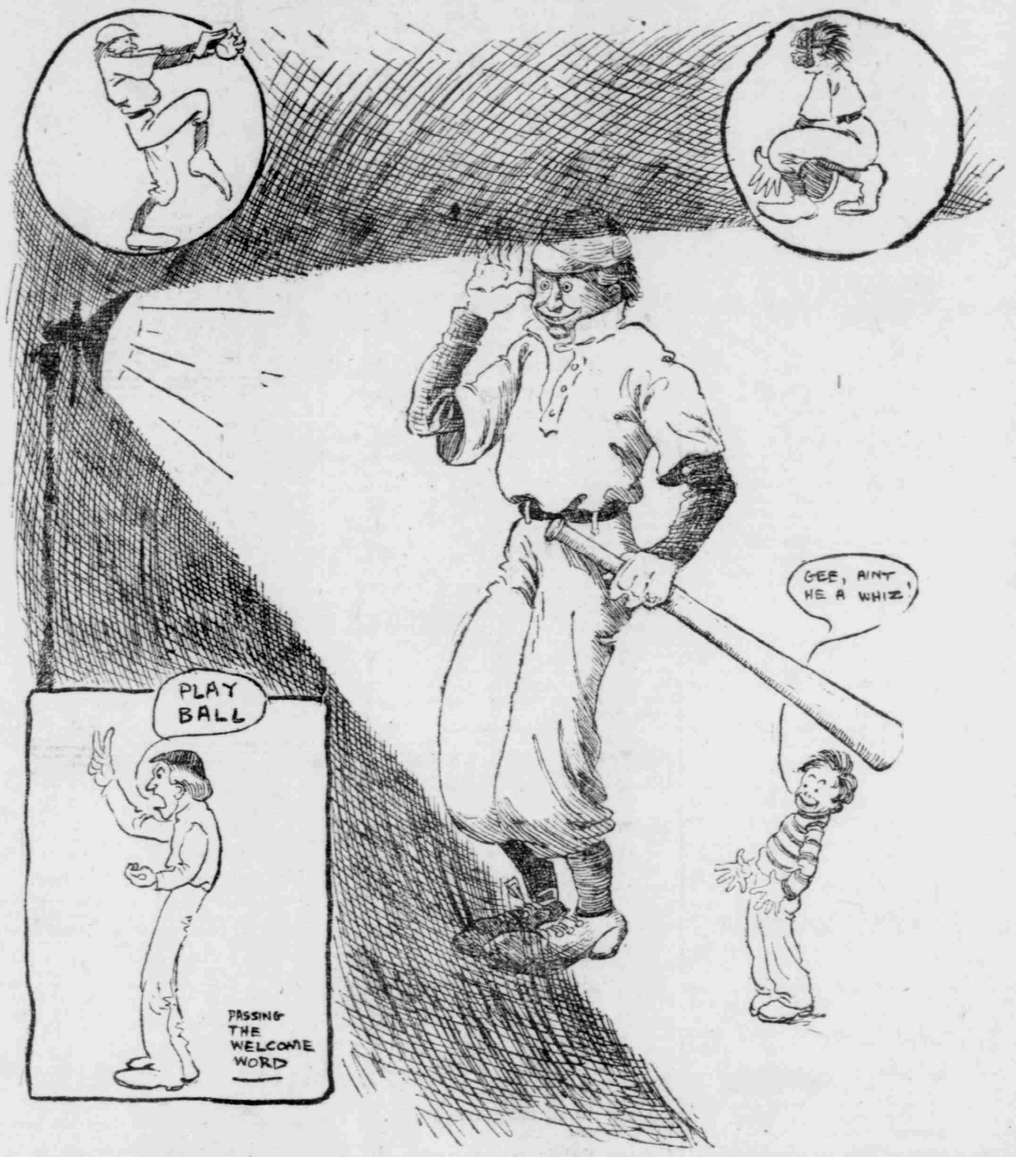
"Thirty minutes elapsed before the second ballot was taken, and then the votes remained unchanged.

"A third ballot was taken at 9:45 p. m. on Wednesday, and still there was no change in the opinions of the jurors. Thereafter there was considerable discussion among the men, but most of the night hours were spent in sleep and no ballot was taken until 4:30 o'clock the following (Thursday) afternoon. This was several hours after the jury had appealed to the court for a rereading of the testimony given by eyewitnesses of the tragedy. The fourth ballot marked one change in the vote. Four of the jurors still held out for an acquittal, but of the rest, Bernard Gerstman, the twelfth juror, changed his vote from murder in the first degree to that of manslaughter in the first degree.

One Juror Won Over.

"About two hours later a fifth ballot was taken, and this showed a decided change on the part of jurors who voted for conviction. It also proved that the effort of the four jurors who voted for an acquittal had not been altogether

Continued on Page 2.



In the Lime Light Again.

CHOATE HEADS THE DELEGATES

Names of Men Who Will Represent This Country at The Hague Peace Conference.

Washington, April 12.—Today's cabinet meeting was the shortest that has been held for some time. The session lasted only half an hour. At its conclusion the names of the delegates to the peace conference were announced. Owing to the growing importance of the approaching congress and the extension of the program the number of delegates has been slightly increased.

As announced today the American delegates will be as follows: Joseph H. Choate, former ambassador to Great Britain; General Horace Porter, former ambassador to France; U. M. Rose, of Arkansas, former president of the American Bar association; David Jayne Hill, American minister to The Netherlands; Brigadier General George B. Davis, judge advocate general, United States of America, and formerly professor of international law at the United States military academy; Rear Admiral Charles S. Sperry, United States navy; Wm. I. Buchanan, formerly minister to Argentine and to Panama, and chairman of the American delegation to the Rio conference; Secretary William Chandler Hale, of Maine, formerly secretary of the American embassy at Vienna, and the son of Senator Hale, of Maine; James Brown Scott, solicitor of the department of state; Expert Attache Charles Henry Butler, reporter of the United States supreme court.

The delegates will sail from New York for The Hague about the middle of May.

NEW ARM FOR LITTLE BOY

New York Surgeons Substitute "Bone Wax" for Portions of Necrotic Bone.

New York, April 12.—The surgeons of St. Gregory's hospital performed an operation yesterday on a 6-year-old Italian boy, Peter Lepari of Brooklyn, by which they replaced a portion of a necrotic bone of the left forearm with a substance known as "bone wax," which will in time, the surgeons say, turn into bone.

The surgeons said that the operation was one of the first of its kind in this country and that without doubt it would be a success.

When the boy was brought to the hospital it was found that he was suffering from a tubercular bone in the arm. Decomposition had set in. To prevent the loss of the use of the arm, it was decided to bring the "bone wax" into use. An X-ray will be used daily to watch the groth.

Bone wax was discovered by a German chemist ten years ago and has been used in Vienna.

WILL BE A TEST CASE.

Suit to Be Brought Against Union Pacific in Nebraska.

Lincoln, Neb., April 12.—Attorney General Thompson today recommended to County Attorney Roach of North Platte, Lincoln county, that he began prosecution of the Union Pacific railroad company for violation of the two-cent passenger fare law. County Attorney Roach complained to the attorney general that the Union Pacific continues to charge at the rate of 3 cents per mile for tickets between North Platte and Sydney, notwithstanding both cities are in Nebraska. The Union Pacific justifies the 3-cent rate because a few miles of its line east of Sydney goes outside of this state in Colorado, making traffic interstate, and therefore beyond the control of state laws. The suit may be made a test of the legality of the new law.

SENATOR CLARK WILL INSPECT

Trip Planned Over the Las Vegas & Tonopah Railroad in a Short Time.

(Special to The Herald.)

Rhyolite, Nev., April 12.—C. O. Whittemore of the Salt Lake and the Las Vegas & Tonopah railroads is in Rhyolite arranging for the reception of Senator W. A. Clark and the transportation of Shriners who are expected for the Los Angeles conclave in May.

In speaking of the arrangements that are being made, Mr. Whittemore said:

"I have been over the ground with my brother and with Curtis Mann, and the mines of the Bullfrog district are looking in such good condition that we will rush the line through to Goldfield in an effort to open it before Sept. 1. I have picked out a depot site and grounds for our terminals and when the Salt Lake Route opens, April 12, we will ship in the necessary supplies that are now being held in Salt Lake.

Much Freight Waiting.

"There will be a flood of freight for southern California and the Nevada mining districts as soon as the line is opened, and that will of course have precedence over company freight.

"It is our plan to connect the Brock line and our road with a spur track at Beatty, so that we can follow Malcolm McDonald's suggestion and handle a percentage of the Shriners who want to see the Nevada gold fields on their way to the Los Angeles conclave.

"The Salt Lake and Montana shriners have suggested that they be run over our lines and given an opportunity to see Tonopah and Goldfield, with Lee and Bullfrog on their way in, and our company will stand the expense of the connection at Beatty with the Brock line.

"I will meet Senator Clark in Los Angeles, April 20, and we will go over the line together and arrange all details.

Line to Lee Soon.

"There is little possibility at the present time of a line into Lee before next winter, though if the Hayseed and other mines of the belt continue at their present rate there is no telling where the stock will go, or how soon we will be forced to put in the line. There is nearly a carload of ore on the Hayseed property now sacked for shipment at $298.60 a ton.

"The mine has only been going for a month and at that rate the 20 feet already developed will mean much greater values with a depth of 300 feet.

JOSEPH SMITH MEMORIAL

Reorganized Latter-Day Saints in Conference at Lamoni, Ia., Vote $1,000.

Lamoni, Ia., April 12.—At the Latter-day Saints' conference today a committee consisting of President Joseph Smith, Bishop E. L. Kelley, Patriarch A. H. Smith, missionary in charge of the Nauvoo district, and George P. Lambert, bishop for that district, was appointed to carry out the purposes for which the Joseph Smith memorial fund was raised. The bones of Joseph and Hyrum Smith, who were killed at Carthage, Ill., in 1844, lie side by side in a spot unknown except by a few persons. President Smith stated that the soil in which they were buried is of such a peculiar nature that he doubted if any of their bones still remain in any but a friable condition, but said it would not be objectionable to him or the family if the church cared to erect a memorial, whether it be over their resting place or elsewhere. An appropriation of $1,000 was voted for the use of the committee.

RUBBER TRUST TO BE WORLD-WIDE

Gigantic Combination in Process of Formation Which Will Rank as an Octopus.

New York, April 12.—The Herald today says that negotiations are now under way for the formation of a world-wide rubber trust by the consolidation of the United States Rubber company and the International Rubber company, which controls vast sources of the raw product in Mexico and the Congo. Committees have been appointed from each company to consider the terms and obtain data upon which the earning powers and resources of the companies are estimated.

The statement is made that if the consolidation is effected a great parent company will be formed to issue securities not less in amount than $150,000,000. In the company will be represented such interests as King Leopold of Belgium, J. D. Rockefeller, jr., Thomas F. Ryan, the Guggenheim syndicate, the First National bank, Senator Aldrich, A. N. Brady and Colonel Samuel P. Colt.

Providence, R. I., April 12.—Announcement was made here today of the merger of the United States Rubber company and the Rubber Goods Manufacturing company. It is understood that the stock of the Rubber Goods Manufacturing company will soon be liquidated and payment of dividends on the common stock discontinued. The United States Rubber company and the Rubber Goods Manufacturing company have not been competitors in the trade.

OTTO KELSEY HAS BACKING

Insurance Companies of New York Do Not Want the Commissioner Removed.

Albany, N. Y., April 12.—Former Supreme Court Justice Edward W. Hatch today before the senate judiciary committee concluded the appeal of Otto Kelsey against removal from the office of state superintendent of insurance recommended to the state senate on Feb. 20, by George Hughes.

A part of the testimony presented today in Mr. Kelsey's behalf, was in the form of a deposition, signed by representatives of twenty-six insurance companies, said to have total assets above $200,000,000, referring especially to the condition following the California conflagration and concluding as follows:

"During the whole of this period we have no hesitation in affirming that owing to his sound judgment, tact and business sense an extraordinary and most critical period was safely passed and a panic averted."

SOME BRYAN SARCASM.

Roosevelt Should Not Get Excited Over $5,000,000 Fund.

Roanoke, Va., April 12.—William J. Bryan, when asked tonight for an expression on the suggestion made by John Temple Graves of Atlanta at a banquet on Wednesday night at Chattanooga, Tenn., that Bryan nominate Roosevelt for president, said:

"I said at the banquet all that at present I can say."

In speaking of the Harriman-Roosevelt episode, Mr. Bryan said:

"The president seems unduly excited over the alleged $5,000,000 raised by Wall street to prevent his re-election. If Wall street is opposed to any doctrine held by President Roosevelt, it is certainly not a Republican doctrine. When we came up against the corporation fund in 1896 we found no more ardent champion of these special interests than Mr. Roosevelt."

Mr. Bryan spoke tonight under the auspices of the Daughters of the Confederacy.

SOME MYSTERY IN THE MATTER

Names of Those Indicted by Grand Jury at Boise Not Given to the Public.

INTERESTED PARTIES MUM

BORAH'S INDICTMENT GENERALLY CONCEDED.

(Special to The Herald.)

Boise, Ida., April 12.—The correctness of the statement that the United States grand jury voted yesterday to indict Senator W. E. Borah in connection with the Barber Lumber company timber case, has been established. What more has been done since remains to be seen. This morning the jury filed into court and returned a batch of indictments, but no one has positive knowledge whether one was returned against the senator, while there is doubt in many minds that it was returned. The source of this doubt cannot be run down. In the afternoon the grand jury was excused until June 17.

Not one of the indictments was made public, and the court officers refuse to tell whether there is one on file against Borah. Judge Beatty, asked about it, said he did not look at the names when he looked over the papers, and did not know whether the senator was among those indicted. District Attorney Ruick refused to deny or affirm when asked if such indictments had been returned, and Assistant District Attorney Johnson answered in the same manner. All else is theory and rumor.

Some of the Rumors.

One story is that the grand jury refused to stand by its action this morning, but that does not receive much credence. Another is that the department of justice at Washington asked Ruick not to indict the senator until it had passed upon the matter. Some credence is given to this by reason of the fact that the unusual method of taking a stenographic copy of the testimony before the jury has been followed, a copy of the same going to Washington. It is possible the indictment and others will be made public tomorrow, but there is no forecast on that point.

The voting of the indictment has caused a profound sensation here, and it is bitterly resented, people refusing to believe there is any ground for it. Pending official knowledge of his indictment Senator Borah declines to make any statement on the subject. An important feature of the matter is the understanding that the indictment will take Borah out of the Steunenberg murder case, thereby crippling the state.

MAN MISSING IN NEW YORK

San Francisco Earthquake Sufferer Has Not Been Heard From Since Arrival.

New York, April 12.—The police were asked tonight to aid in a search for Walter Campbell Stevens, an attorney who is supposed to have arrived in this city, March 8, from San Francisco, where he broke down physically as the result of his experience during the earthquake. The case was reported by H. P. Stevens, manager of a brokerage house and a brother of the missing man.

The lawyer came east in company with a man described by the police as P. Fechter of Middletown, Pa., a diver in the employ of the government. Both were furnished transportation by the relief committees. On March 8 Stevens' hand baggage was placed in the West Shore station parcel room at Weehawken, N. J. Stevens did not return for his baggage nor did he go to the home of a sister where he had been expected. Three weeks later the sister received a letter, posted in New York, in which was enclosed several checks she had sent to her brother in San Francisco and also the checks for his baggage at Weehawken.

Subsequently the relief committee, the police say, received a post card from Fechter, dated Middletown, Pa., March 9, in which he announced the safe arrival of Stevens and himself in New York. The writer added that he had a hard time with Stevens on the train and that the latter talked of suicide.

In reply to inquiries concerning Stevens, Fechter wrote the committee again on April 9 from 708 Seventh street, S. E., Washington.

In this letter he said that he last saw Stevens at the West Shore station and that the latter said he was not going to his sister's but intended to go to work for himself. "He was," wrote Fechter, "in good humor and had been feeling fine all the trip."

Stevens lived at 1395 O'Farrell street in San Francisco.

The police tonight sent out a general alarm for him.

ANOTHER SUIT BY VENNER

Bill of Complaint Filed in St. Paul in Which Receiver Is Asked for Great Northern.

St. Paul, April 12.—A bill of complaint in which a receivership is asked for the Great Northern Railway by C. H. Venner, was filed in the county court today. The complaint asks that the agreements between the Great Northern railway and the Lake Superior company, limited, and between the Lake Superior company and its trustees, be annulled and set aside.

All the property of the Lake Superior company be transferred to the Great Northern Railway company or its receiver; that the Lake Superior company make a full accounting to the Great Northern.

That the Great Northern receive judgment for any balance that may be due it as disclosed by the accounting.

That the Great Northern and the other defendants be enjoined from making any further purchases for the Lake Superior company.

That the Great Northern company at once dispose of all the securities and other properties now held by the Lake Superior company.

That a receiver be appointed for the Great Northern.

The burden of the complaint is that the Great Northern in forming the Lake Superior company, attempts to evade the purposes of its charter by giving that company control of securities and properties owned by the Great Northern company, which under the law it has no right to own, particularly mining and timber lands.

SHEETS IS FREED ON TECHNICALITY

Complaint Against Chief of Police Dismissed by Judge Armstrong.

CASE BUNGLED BY HANSON

DECISION INVITES AN APPEAL TO SUPREME COURT.

Chief of Police George A. Sheets was discharged from custody and the conspiracy charge against him dismissed yesterday morning by Judge George G. Armstrong in the Third district court. This order was made by the court in a decision granting the motion of the attorneys for the chief of police to set aside the information filed against him.

The contention of the attorneys for the defendant was that the information, which was almost identical with the original complaint filed against the chief, really merged four distinct felonies into a conspiracy charge, which, under the statutes, is a misdemeanor. This view was upheld by the court after the case was submitted with arguments by Attorneys Wedgewood, Thurman and Christensen for the defense and District Attorney Fred C. Loofbourow for the state. The ruling of the court did not enter into the merits of the case one way or the other, but merely held that the complaint, as it had been drawn by County Attorney Willard Hanson, was illegal.

Appeal May Be Taken.

The decision of the court does not necessarily prevent further prosecution of the chief on the felony charges as set forth in the complaint, though in order to do so new complaints must be drawn in the lower court and a new preliminary hearing had. Whether or not this will be done has not yet been determined upon by the county attorney. In his decision Judge Armstrong invites an appeal to the supreme court, and with this in view the district attorney took exception to the finding of the court and announced his intention of conferring with the attorney general with regard to an appeal.

"I feel that the court was wrong in its decision in this case," said Mr. Loofbourow, commenting on the decision, "but I cannot say yet whether or not the state will appeal from the ruling. My intention is to confer with Attorney General Breeden and consult more authorities before forming any definite plans as to whether or not I will take the case to the supreme court."

Establishes a Precedent.

The decision of Judge Armstrong is not only an important one in this case, but an important one as establishing a legal precedent for the state as a whole. The question involved is raised in this case for the first time in Utah, although there are decisions on it from the supreme courts of several other states. The ruling of Judge Armstrong is in effect that a man charged with committing a felony cannot be prosecuted for the conspiracy from which the felony grew. The only action that can be brought against him must be for the felony itself. As this is the first judicial ruling on the question in Utah it seems probable that the supreme court will be asked to pass on the ruling of the lower court. In this case if the decision is not reversed it will be rendered final and be considered as the law in such cases.

Other Cases Nolled.

The complaints filed by the county attorney against Captain George Raleigh, Attorney William Newton, W. H. Parrent, W. W. Bell, Larry O'Brien, Jack O'Brien, James Donaldson and Rossario Razzuto, charging conspiracy in connection with the robbery of the McWhirters in this city last September, are identical with that filed against Chief Sheets and by the ruling of Judge Armstrong are all rendered void.

The release of Chief Sheets from the conspiracy charge is the second time that he has secured the dismissal of the charges against him through the legal errors of the county attorney. The first charge filed against him was that of being accessory after the fact in the McWhirter robbery. Closely following the expose of the robbery Chief Sheets was arrested and given a preliminary hearing before Judge Armstrong. The complaint charged him with aiding and abetting the perpetrators of the McWhirter robbery in their escape. The state's evidence was submitted and the attorneys for the defense moved for a dismissal on the grounds that it was necessary to prove some overt act of the chief in aiding the criminals to escape. The court held with the defense and the case was dismissed.

History of Case.

The last arrest of the chief was on the confession of W. H. Parrent, one of the bunco gang that swindled and robbed the McWhirters. The complaint filed charged criminal conspiracy and accused Chief Sheets, Captain Raleigh, Attorney William Newton and a saloon keeper known as Rossario Razzuto, with being in league with the McWhirter robbers in the robbery and swindle of the two Scotchmen in the Antler rooming house last September. A preliminary hearing at which W. H. Parrent, who had turned state's evidence, was the star witness for the prosecution, was held. Judge J. J. Whitaker held Chief Sheets to the district court.

Information copied from the complaint drawn by the county attorney was filed in the district court by the district attorney. The complaint alleged that Chief Sheets conspired with the other parties accused of the crime to cheat and defraud tourists passing through Salt Lake, and further that as a part of the conspiracy W. W. Bell and W. H. Parrent falsely represented themselves as police officers and robbed Alexander McWhirter of $8,373.

The Motion to Quash.

When the information was filed the defense moved that the information be quashed on the grounds that the defendant was charged with the commission of a felony, for which offense he was never committed to the district court by a magistrate. It was claimed that the information charged the commission of grand larceny robbery, obtaining money under false pretenses and impersonating an officer with intent to cheat and defraud, while he was committed to the district court on the charge of criminal conspiracy and was not given a preliminary hearing on any of the felonies charged. The defense in its motion further asserted that the information, while charging criminal conspiracy, recited the commission of these felonies, thereby merging the conspiracy into the felonies, though only attempting to charge a misdemeanor.

The point was argued at considerable length and a number of authorities and decisions both from the United States and English courts were submitted in exhaustive briefs on the motion. After the arguments were closed Judge Armstrong took the motion under advisement until yesterday morning.

Text of Decision.

When court opened yesterday morning the court read the following decision:

"In the case of the State of Utah vs.

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