AN ATTORNEY DISBARRED.

Is Unlooked for Incident in Judge Zane's Court This Morning.

SOME STARTLING AFFIDAVITS.

E. E. Pattison Struck Off the Rolls for Dishonorable and Unprofessional Conduct.

When Judge Zane took his seat in the Third District court this morning, Assistant District Attorney Stephens moved for sentence upon Frank Miller, convicted a week or so ago on an indictment charging him with embezzling a quantity of household goods belonging to Attorney W. E. Pattison. Counsel, at the same time, intimated that he should certainly oppose the reading of any affidavits by the other side as to the impeaching of the veracity of the principal witness for the prosecution, which proceeding would be clearly improper. If the defendant's attorneys, he said, had desired to bring in any such affidavits they should have done so on the trial. He (Mr. Stephens) could produce counter affidavits by the dozens, if he desired.

Attorney J. M. Hamilton said he was free to admit that the law was very clear in the majority of instances—that affidavits impeaching the evidence of a witness could not be afterwards introduced for the purpose of securing a new trial. However, in view of the fact that this was newly-discovered evidence, it would be hardly fair not to allow this motion for a new trial.

Judge Zane remarked that the law was pretty well settled on this point. His honor, however, consented to allow Attorney Keenen to read the affidavits. They were by A. E. Pattison, F. Boyle, Mr. Keenen himself, Julia B. Snell, Edward J. Page, and the defendant Miller.

The grounds upon which the defendant's counsel based their motion for a new trial, according to a prepared statement, were: First, that the court misdirected the jury in a matter of law; second, that the court erred in the decision of questions of law arising during the course of the trial; third, that the verdict was contrary to law; fourth, that the verdict was contrary to, and is not supported by, the evidence; fifth, newly discovered evidence material to the defendant and which he could not, with reasonable diligence, have discovered and produced at the trial, as to said last ground, based upon affidavits dated February 25, 1893.

Mr. Keenen claimed that, on the witness-stand, Mr. Pattison swore away, and on that ground alone he asking were entitled to a new trial. He was willing to submit the motion without argument, on the affidavits.

Mr. Keenen proceeded with the reading of his affidavits in the following effect:

Julia B. Snell swore that she has resided in this city since 1890, and had known Mr. Pattison since November, 1891. She knew his reputation for truth, veracity, honesty and fair dealing in the community to be bad.

Edward J. Page has been a resident of Salt Lake since 1890, as a second hand dealer. He says he first met Pattison some time in the spring of 1891. He came to witness' then place of business and wanted to sell him certain household goods which he had at the railroad depot. Witness' recollection was that Pattison wanted something like $100 for them. He did not mention the above facts to Miller until after his trial, but would certainly have done so had he considered it of advantage to the defendant.

Frank Miller (the defendant's) affidavit was simply to the effect that the evidence in all these affidavits was unknown to him at the time of the trial. He had not supposed that the prosecuting witness would tell an untruth with reference to the contract entered into between them, or as to the value of the articles involved.

A. E. Tulloch says that prior to May 25th, 1891, and subsequently, he was employed by Miller to work upon his books, etc. He saw what purported to be a bill of sale signed by W. E. Pattison. Before this affiant had become familiar with Pattison's name by having seen it on certain goods and books—which Mrs. Miller, upon inquiry, informed him her husband had purchased from Pattison. Affiant never mentioned this matter to anyone until after the trial. He was now in Miller's employ, and had no interest whatever in the proceedings.

F. Boyle states that on February 20th he spent greater part of the day in room 43 Dooly Block. During the day Mr. Pattison came into that room several times. Affiant was introduced to him as a friend of Miller. They conversed together and Pattison said he could and freely would make an affidavit to be used in Miller's case in motion for a new trial that would be instrumental in clearing the defendant on the charge against him. Pattison further stated that he would either make the affidavit or go personally before Judge Zane, and be sure that a new trial would be granted at once and the case dismissed. Affiant told him that if he could make such a statement he should do so; but Pattison replied that he would not unless he were paid $1000. Affiant rejoined that he had no authority to act for Miller—he was merely an acquaintance and conversation of his, but that he knew Miller's circumstances were such that he could not raise any money. Pattison then said that he knew Miller was in good circumstances and "plenty able" to pay that amount, and suggested that Miller give him the choice of his van outfit in lieu of the cash. He wanted affiant to see the defendant and have him consent to this. Affiant did not, however, do so. Pattison further declared that Miller was a fool, and said that if he had paid him money, as he wanted him to, he (Pattison) would not have been there when his case was called." After talking for several minutes more upon the Miller case Pattison turned to him and said: "I don't want you to say anything about what I have said; if I will swear that I never made any such statements." He had not seen Pattison since, and had no interest at all in this trial. He was prompted to make this affidavit solely on his own motion, in order that Miller might not be unjustly imprisoned.

Attorney Anthony Keenen stated in his affidavit that he was the defendant's attorney on his trial. On the evening of Friday, February 24th, at about 5:30 p.m., the prosecuting witness, W. E. Pattison, came into his office, closed both doors leading therein, and commenced to discuss this action, saying, substantially, that his influence with the court was very great, and that it was equally as with Governor Thomas; that he had performed political services for Judge Zane, for which said Judge was obligated to him; that he had procured pardons for several persons here who had been convicted of crime, and that, of course, as far as he was concerned, he had no wish to see the defendant go to the "pen." Affiant thereupon asked him point blank what he wanted, and Pattison replied $1000. Affiant told him that Mr. Miller did not have the money, and could not and would not pay so much. Then Pattison asked him what he thought Miller could give, and he told him $500 would be the limit and asked whether he would take that. Pattison agreed to accept the $500. Then affiant said that Miller had no money and could not pay. Pattison then offered to take one of Miller's vans and hold as security for the pay until the defendant could raise the money. Affiant asked what there was in it for himself (Keenen), and he answered $250. Affiant told him that his (Pattison's) proposition was a little premature and that he had better wait until the motion for a new trial was decided. Pattison laughed and said: "There is no show for him getting a new trial; the judge knows me too well, and my standing."

Frank Miller, the defendant, in a second affidavit, said that after the jury had returned their verdict, and when he (Miller) and wife were leaving the court room, Pattison passed them and said, "Didn't I fix you? Didn't I fix you good, my boy?" and smilingly passed on.

At the request of Assistant District Attorney Stephens, Attorney Pattison went upon the witness-stand. He admitted having told Attorney Hamilton in the latter's office, on Saturday afternoon last, that as far as his own influence went he would do anything he could for Miller in this case, providing the defendant would "settle" with him and pay him a reasonable price for the labor he had sustained. He never claimed, however, to have any influence with this court nor any other official in this city.

The Judge—Did you say you did propose to help him?

Witness—I said I would sign a petition for a pardon if he would settle with me, but I never made such a remark in my life as to having any influence with the court or the governor. There was no intention to compound a felony on my part.

The Judge—Did you demand $1000?

Witness—He asked me what I would take, not for the purpose of compounding a felony, or anything of that kind, but for the purpose of securing a pardon in the event of sentence being passed.

The Judge—What do you say as to the statement of Mr. Keenen?

Witness said that was all right except as to his having influence with the court.

Attorney Keenen—He offered to take $500 finally, or one of the defendant's teams.

Judge Zane (severely)—The court does not tolerate such practices by an attorney, and your name, Mr. Pattison, will be stricken from the roll of attorneys, unless you have something further to state.

Mr. Pattison—Well, I have, Judge Zane, and I wish to say right here that there is not a word of truth in the statements—only as to signing a petition for his pardon.

Judge Zane—Your name will be stricken from the rolls. We cannot allow such practices as that in this court. His honor added that the motion for a new trial would be granted.

When Judge Zane had uttered the words disbarring Mr. Pattison, the latter left the witness-stand and took a seat on one of the chairs beyond the confines of the bar.

It is doubtful whether the prosecution will take any further steps against Miller.

MR. PATTISON MOVES.

This afternoon Attorney Tatloch, representing Mr. Pattison, went before Judge Zane and moved the court to suspend its order so as to afford the discharged attorney an opportunity of making a counter showing. Counsel was proceeding to explain, but his honor declined to hear anything further upon the subject now, remarking that, in his opinion, both the affidavits read and certain admissions of the defendant himself on the witness stand, justified the court in making the order which was entered this morning, and it must now stand. If, however, counsel had anything to bring forward on behalf of Mr. Pattison at some other time the court would, of course, be willing to hear it.

DAMAGES $25,000 CLAIMED

From the Oregon Short Line and Utah Northern Railway Company.

In Judge Bartch's court this afternoon the trial of the case of Alice J. Jones (administratrix of the estate of Edward H. Jones, deceased) vs. the Oregon Short Line and Utah Northern Railway Co. was taken up.

The deceased, who was about 36 years of age, was a fireman in the employ of the defendant company, and the accident by which he met his death occurred on the line of railway running from Lehi Junction to Tintic, on the night of April 6th, 1890. Just before reaching Cedar Fort, by reason, it is alleged, of defective brakes and appliances, the cars broke apart, and while the deceased was standing on the tender adjusting a connection was thrown off and instantly killed. The amount claimed as damages is $25,000.

Judge Henderson represents the plaintiff, and Attorney Van Cott appears for the defendants.

Once Seen Always Known.

A group of aborigines who had just come in were observed yesterday in front of the large show windows of the News business department, where their attention had been drawn by a framed picture of the late President Brigham Young. All seemed not only to know but to hold the departed leader in the highest respect, their expressions and demonstrations at times being so emphatic as to arrest the attention of passersby.

THIRD DISTRICT COURT.

An Attorney Sued for the Non-Payment of His Tailor's Bill.

CLAIM FOR PERSONAL INJURIES

A Burglar Receives Sentence of Three Years; Another Gets One Year.

—Civil Matters.

Chief Justice Zane having got through with the criminal calendar, for the present, has commenced the hearing of civil jury cases.

A TAILOR'S BILL.

The first suit on trial this morning was that of Joseph Baumgarten vs. Frank Hoffman, attorney-at-law. The plaintiff was represented by Attorney Grant H. Smith, and the defendant by Col. M. M. Kaighn.

Mr. Baumgarten is a tailor and he claimed from the defendant the sum of $45, being the price of a brand new suit of clothes. Mr. Hoffman attended the last Fourth of July celebration at Bingham, and a condition upon which the garments were ordered was that they should be ready on the previous evening, so that he might wear them on his special occasion. For the defense it was shown that the goods were not furnished by the time stipulated, and that consequently the defendant had to proceed to Bingham in a make-shift suit.

The jury found for the plaintiff in the sum of $25, and Col. Kaighn moved for a stay of execution for ten days, which the court granted.

REFERENCES.

E. G. Woolley et al. vs. Fish Bros. Wagon Co. This case was referred to N. J. Kenyon, as referee, to try and report findings.

THE PARK CITY MANSLAUGHTER CASE.

This was the morning set for sentence upon Thomas O'Neil, convicted of voluntary manslaughter at Park City; but on motion of defendant's attorney it was deferred till next Saturday, March 4th.

ACTION FOR PERSONAL INJURIES.

The case of J. L. Clute vs. H. P. Mason et al. was next taken up. It was an action to recover damages in the sum of $5000 and costs, for personal injuries. Lewis & Lewis were attorneys for the plaintiff; Judge Sutherland and Judge Howat for the defendants.

The plaintiff was formerly in the employ of the defendants, who are lumber merchants doing business in this city, as a carpenter. On September 23rd, 1890, while running a burr saw in the planing mill, which he claimed was hazardous work and no part of his ordinary occupation, the thumb and index finger of his left hand were cut off and he was disabled for some time after the accident. It is insisted that the occurrence was due to the defendants' negligence and carelessness.

The case began just before noon and was tried before eleven jurors, by consent, the jury panel having become exhausted. It will probably occupy the remainder of the day.

DISMISSED ON STIPULATION.

A. L. Swope vs. Harry A. Smith et al. This case was, this afternoon, dismissed on stipulation, and all attachments, garnishments and losses were released and the sureties discharged from liability.

BEFORE JUDGE BARTCH.

William Miller, one of the men who broke into a tailoring establishment on Richmond's avenue, and stole a quantity of clothing, was sentenced to three years in the penitentiary, the sentence to begin at the expiration of the two years' term previously imposed by Judge Zane for a similar offense.

IN FAVOR OF SMITH.

In the case of Thompson vs. Perry, judgment was rendered in favor of T. G. M. Smith, administrator of Grace Marks, deceased, the interveuor.

HE GETS ONE YEAR.

William Edgar was brought up for sentence, having been previously convicted of burglary, and was committed to the penitentiary for one year.

NONSUIT ENTERED.

Nonsuit was entered in the case of Joseph Wise, by his guardian ad litem (John Wise), vs. M. A. Hall et al., the plaintiff not appearing.

CONTINUED.

Samuel E. Vance et al. vs. John H. Weston. This case was continued by consent.

COURT NOTES.

Nelle Nellon was acquitted in the Third District court late on Saturday afternoon after trial on an indictment for unlawful cohabitation. The jury soon made up their minds after hearing the testimony.

In the case of Andrew J. Burt vs. J. B. Brinton et al., a suit to recover $125 on an indemnity bond, Commissioner Norrell has rendered judgment in favor of the plaintiff for $125.25.

J. J. Gibbons, a young mining man of Bingham, was convicted in Judge Zane's court on Saturday afternoon of grand larceny. The case was briefly mentioned in Saturday's NEWS. The accused was found guilty and will be sentenced next Saturday.

John Claw, sentenced to three years in the penitentiary on conviction of grand larceny at Provo in September, 1891, has been released from the penitentiary, having been pardoned by Governor Thomas, who had received a petition numerously signed by the people of Gunnison, praying that executive clemency be granted.

The third of a series of monthly entertainments was given at the penitentiary on Saturday afternoon, under the auspices of the Young People's Society of Christian Endeavor of the First Congregational church. A capital program of music, etc., was rendered.

H. P. Mason has filed an action against Maggie B. Thompson et al. in the Third District court to collect $500 on a promissory note secured by a mortgage.

Zion's Savings Bank & Trust company has begun a suit against William M. Ritchie et al. to recover $500 on a promissory note secured by a mortgage in the usual way.

THE COUNTY COURT.

Three Insane Patients in the County's Charge—Various Items.

The Salt Lake county court met this morning, the full board being present.

EXPLAINED IT.

Sheriff McLean explained to the satisfaction of the court the items in Kelly & Co.'s bill which were not allowed at the last session.

PAID TOO MUCH.

Robert S. Thompson, by his attorney, C. E. Allen, applied for the return of $11.15, that being the excess he had paid the county on a double assessment of taxes. Referred to the county attorney.

FREE LICENSE.

Frederick Kelsey was granted a free license as peddler, for three months.

INSANE PATIENTS.

County Physician Worthington stated that there were in the infirmary a German named Fritz and a negro named Mitchell, who were violently insane, and the poor house was no place for them. They should be in the asylum.

Superintendent Hinman corroborated the testimony of the physician, and recited several incidents relating to these two parties showing their insanity.

The court instructed Mr. Hinman to adopt the legal course to have the two persons spoken of brought before the probate judge for examination as to their sanity.

WILL GET JUDGE.

Attorney Burgess appeared on behalf of J. J. Snell in the latter's application for a return of the excess money paid by the applicant on a double assessment for taxes.

Solicitman Morris said the property was erroneously sold by the county, and the attorney had reported against the county's liability for the reason that the purchaser bought the property at his own risk.

Mr. Murphy said this was not equitable justice, but it was the law, though there might be some doubt.

Judge Blair—Well, where there is any doubt I would do absolute justice.

The amount of taxes, $62.15, which the county had collected twice, was ordered refunded.

ONLY THIS ONCE.

The bill of Mr. Foreman for $17.50 for repairs on the county treasurer's office was deferred for consideration until the first meeting in March. Solicitman Morris said that recently lawyers have been authorized to have about $1.50 worth of repairs made, but has ordered none since. The court decided that as the work was done, it would probably allow the bill, but did not want any further work of that kind done except by direct order of court.

HAY ON THE ROAD.

James Pitts said that he was shut out from his property just west of the Jordan river by the bearing out of some culverts and bridges within the county out in, and had now removed. Mr. Pitts wanted the bridges and culverts replaced. This was along the proposed boulevard to the Lake, now occupied by the Salt Lake and Los Angeles railway. The court granted the petition, provided that not to exceed five thousand feet of lumber were to be used, and Mr. Pitts to have the work done.

WILL SEE ROULAND.

The petition of Henry Rouland to be appointed a constable for the first precinct, as Jack Kinkade, the constable elected, was not doing the business, was referred to Mr. Bamberger to see if Mr. Rouland was going to act. Mr. Rouland had already served over 300 summonses.

RATHER DOUBTFUL.

The claim of A. J. Burt for rent of sheriff's office and telephone was referred to the county attorney, the basis for this reference being that the sheriff had not been authorized to engage an office outside of the county buildings.

NO WORK TO DO.

The bill of John Woodburn, who had been appointed natural gas inspector, for $[illegible] was presented. County Attorney Murphy said Mr. Woodburn had had nothing to do in his office, and was not entitled to compensation. The matter was passed for the present to ascertain whether Mr. Woodburn had inspected any wells.

WANTS A DEED.

A Mr. Williams applied for a quit claim deed to property bought in by the county at a tax sale. Referred for the present.

TO INVESTIGATE.

At this point the court took a recess till this afternoon. At 4 p. m. a prisoner was sent to the court from the county jail, to be examined before Judge Blair with a view of determining the prisoner's mental condition. He is alleged to be insane.

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Colorado Week Celebration.

Denver, Colo., March 1st, 1893.

For the above occasion Union Pacific will sell round trip tickets February 28th and March 1st at one fare, good for return until March 3rd. Train leaves Salt Lake 7:45 a.m., and returning arrives at Salt Lake 9:05 p.m.

BURNING FEVER.

We desire to say to our citizens, that for years we have been selling Dr. King's New Discovery for Consumption, Dr. King's New Life Pills, Bucklen's Arnica Salve and Electric Bitters, and have never handled remedies that sell as well, or that have given such universal satisfaction. We do not hesitate to guarantee them every time, and we stand ready to refund the purchase price, if satisfactory results do not follow their use. These remedies have won their great popularity purely on their merits. A. C. Smith & Co., druggists. 1-6

SKATING SOCIAL.

For the Cannon Society meeting at Spanish Fork on March 1st, the Rio Grande Western R. R. has been asked as the official route and will sell tickets from Salt Lake and intermediate points on February 28th and March 1st at $2.25 for the round trip—two trains at 8:00 a.m. and 2:05 p.m. running direct to Spanish Fork.

Brook Trout, Crabs, Lobsters, Shrimps, Turkeys, Chickens, Ducks, Bananas, Pine Apples, Eastern Apples, Jersey Sweet Potatoes and California vegetables, at Fred C. Lyngberg's East, 1st South St. Telephone 15.

OGDEN SUNDAY SHOOTING.

George Lewis Fatally Wounded by Eugene Borel, a Frenchman.

THE CAUSE OF THE KILLING.

The Dead Man's Slayer Indicted by the Grand Jury Today.—Lewis' Funeral.

Shortly before noon yesterday Geo. Lewis, an old time resident of Ogden, was fatally shot at that place by Eugene Borel, a Frenchman. Five shots were fired and the shooting caused the greatest excitement.

The causes which led up to the tragedy (such) are as follows: Between three and four months ago Borel came to Ogden from Wyoming, where for five years he had followed the sick and unpleasantness occupation of herding sheep.

By the strict practice of economy he had managed to save nearly $300 in cash. Among his first experiences in Ogden was a lively time with a gang of Italian women. He left the life of the shepherd penniless. Just how he lost his money is a question, but rumor says it was in a game of faro. Lewis was the man who had fleeced Borel so effectually and him to San Francisco where a rather rosified, borrowing $20 from the latter he returned to Ogden determined to bring the same thing upon Justice. At his instance Lewis was arrested and tried before Judge Bishop. There was no evidence connecting Lewis with the robbery, and he was acquitted on that charge but convicted of gambling and fined $50 and costs. Lewis appealed the case and Borel, being unable to furnish bonds as a witness was sent back to jail to await the coming up of the case. A few days ago he was released.

During his term of imprisonment the loss of his earnings for years and the taking away of his liberty preyed very heavily upon him. Yesterday he suddenly concluded Lewis as he emerged from a newspaper stand on Twenty-fourth street and demanded the return of his money. "Wait until tomorrow," was Lewis' blasted reply as he turned the corner of Twenty-fourth and Grant streets. A moment later and Borel commenced shooting, firing five times in all. The first two shots effect in the left leg, the second went through the coat sleeve of a man named Kirby, who was in Lewis' company. The third went wide of its mark, but the fourth entered his only near the spine. The fifth and last shot struck the already mortally wounded man in the right side and ranged upward toward the breast and from the effects of which he died in about twenty minutes.

Borel was arrested and taken to the police station, where he attempted suicide by taking strychnine. He succeeded in swallowing enough of the poison to kill him, but it was pumped out of him by a doctor. He was indicted by the grand jury this afternoon.

Lewis was forty-four years of age, well known among the sporting fraternity of the West and said to be the owner of about $50,000 worth of property in Leadville, San Francisco and Phoenix, Arizona. His funeral occurred this afternoon.

DEATHS.

SNOW.—In this city, February 25th, of diphtheria, Robert Snow, Sarah Ann Evans, aged 3 years, 2 months and 7 days. Will be buried at 2 o'clock this afternoon.

FRANCIS.—At Junction, Piute county, Utah, February 24th, 1893, at 10 o'clock, of Bright's disease, Mary M. G. Francis, wife of Jeremiah Francis, aged 46 years, 8 months and 24 days. She was a native of Wales, and was a faithful member of the Church of Jesus Christ of Latter-day Saints, and a sister to the Bishopric of Junction, and was active in all good works.

LEGAL NOTICE.

In the Probate Court, in and for Salt Lake County, Territory of Utah.

In the matter of the Estate of Jacob Lorenzen, deceased.

NOTICE IS HEREBY GIVEN THAT Martin C. Fox, [illegible] has [illegible] all persons having claims against said deceased, to exhibit the same with the necessary vouchers, within four months from the date of the first publication of this notice, to the undersigned, at the residence of said deceased, in Salt Lake City, Salt Lake County, Utah Territory, the same being the place appointed for the transaction of the business of said estate, at which time and place any person interested in said estate may attend and present objections to the allowance of any claim or claims against said estate. Dated this 3d day of February, A. D. 1893.

[illegible]

Publication February 6th, 1893.

FOR THE MINE

Tee Rail, Nails, Handles, Tool Steel, Fuse, Caps, Powder, Candle Sticks, Bellows, Power Drills, Blowers, Anvils, Blacksmith Tools, Turn-Table Steel, Sledges And Striking Hammers, Merchant Iron, Shovels, Picks, Pick Steel, Candles.

FOR THE MILL

Belting, Hose, Packing, 3 "A" Compound, Brass Work, Speed Indicators, Lubricating Oil, Pipe and Pipe Fitting, Engineers' Tools, Machinists' Tools, Oakum, Cupolas, Hoisting Tackle, Machine Bolts, Waste, Cordage, Cast Washers, Lag Screws, Scale Remover & Preventer, Asbestos Preparations.

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