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## BOTH TO BLAME.

### Fire Commissioners On the Devine Case.

### VERY GOOD ADVICE GIVEN.

### Favoritism Will Not Be Allowed in the Department.

### NEITHER WILL INSUBORDINATION.

**Contents of Discussions Take Notice —In the Hands of Mayor Baskin.**

The fire and police commissioners have, after careful consideration and review, finished the compilation of their report to Mayor Baskin of the hearing in the case of Chief Devine. The work was not completed until a late hour this afternoon. Chairman Jennings immediately presented a copy of the findings to the Mayor. They are as follows:

OFFICE OF THE BOARD OF POLICE AND FIRE COMMISSIONERS
SALT LAKE CITY, Utah,
July 6th, 1895.

To the Honorable Mayor of Salt Lake City, Utah.

SIR:—The Board of Police and Fire Commissioners, caused to be served upon James Devine, chief of the fire department of Salt Lake City, a copy of the charges preferred by P. J. Sullivan and others, and a hearing was had thereon, lasting five full days and ending July 3rd, 1895.

Of the charges preferred, the following were stricken out:

Under the first specification, the charge regarding the holding of secret meetings with leaders of the Republican party and in discussing political matters upon the street and in attending the Republican barbecue at Murray.

Under the first specification there was also stricken out the charge that officers do not go directly to the assistant chief or the captains, but are transmitted through third parties. Under the second specification there was stricken out the charge that the chief has had valuables lighted at night, which have hung on the outside of the steamer at No. 2 house, and under third paragraph "A," with reference to the number of hours off each week, were stricken out. The remainder of the charges were considered proved and all of the evidence obtained was considered.

Charge 1, Specification "A." After carefully weighing the evidence we are of the opinion that the following conclusions are warranted, and we take up each charge in its order:

We find that the chief has smoked upon the apparatus floor at times when he would be smoking in his office, and would be called out upon the floor to look after some matter.

Rule 11, page 64, referred to in this charge, is a rule made by the chief for the government of the officers and men, and while, strictly speaking, the chief perhaps is not amenable to this rule himself, being one made by him for the government of the officers and men under him, yet the opinion of the commissioners is that as long as the men are prohibited from smoking upon the floor, that the chief should observe the same rule as being much more conducive to good order and discipline.

Charge 1, Specification "B." with reference to taking part in political conventions.

There was no evidence that the chief had been a delegate to any political convention or that he had taken any public part in any political convention, but the evidence disclosed that the chief was in attendance upon a political meeting at Provo and was about upon the floor of the house talking with different individuals and apparently taking considerable interest in the proceedings. It also appears that the chief is a member of the executive committee of the Republican League state of Utah Territory.

The commission are of the opinion that while this activity in politics may not have been carried to an extent to interfere with the efficiency of the fire department, yet the chief is violating the spirit, if not the letter of the law, and we shall in the future insist upon his refraining from attendance upon political conventions, and also propose to him to resign his position as member of the executive committee of the Republican League state of Utah. In our opinion the chief should not leave the city for the purpose of attending political conventions and his membership of the executive committee of the Republican League does not necessarily require of him a participation in party politics when the spirit of the law, at least, forbids.

Charge 1, Specification "C," with reference to entering in uniform any place where spirituous, malt or intoxicating liquors are sold.

The evidence discloses that upon the day of the public exhibition given May 4th, 1895, the chief entered the Oxford saloon with Chief Buford, of Ogden. All the testimony on the matter of being in uniform was that he was in uniform all day. This charge was, at the beginning of the hearing, admitted by the chief, but admission was afterwards withdrawn and the prosecution put upon their proof.

We think the evidence shows that the chief did enter the Oxford saloon on the day stated, in uniform, and while rule 17, page 65, under which the charge is brought, is a rule made by the chief for his government and that of officers and men under him, we are of the opinion that, as in the case of rule 11, page 64, governing the use of tobacco, the chief ought, in the interest of good discipline, to refrain from entering a saloon except in the performance of his duties, upon an occasion when he as under officer or member of the department would be prohibited from doing so.

Charge 1, Specification "D," charging the chief with failing to return the salutes of the officers and men.

A number of men testified that the chief had failed to return their salutes when they thought he must have seen them; on the other hand, the testimony of the chief was that he had never knowingly failed to return a salute, and that if he had failed to do so it must have been when he was engaged in conversation with some one else and had failed to see the salute of the subordinate except upon one or two occasions when, the chief states, he failed to return the salute in cases where the subordinate saluting has previously failed to salute the chief.

The commission are of the opinion that the failure of the chief to salute under such circumstances is very reprehensible; should the subordinate fail to salute the chief, he ought to be called to order, and if his intentions were to wilfully show disrespect to the chief, the offender should be promptly fined, or reported to the commission, but on a subsequent occasion refusing to answer the salute of such an offender because he had on a former occasion not shown proper respect to the chief is, in the opinion of the commission not the way to punish a member of the force, and we are of the opinion that a salute by a subordinate to the chief should always be returned by him, no matter what the relations may be between the chief and such subordinate.

Charge 1, Specification "F" with reference to holding the Sears' coach.

The commission finds this charge to be wholly unsustained, and only evidence of the kind that was done by the chief with reference to the needs that came into his hands. His instructions were to hold such funds in his hands until the board should decide to what purpose they should be applied.

The board had had under consideration the establishment of a relief fund, but as yet no determination has been reached in regard to it. The evidence in regard to the Sears' check shows that Mr. Sears brought the check to the office of the chief, the chief and secretary being present and that nothing was said by him at the time in regard to what disposition should be made of the money.

The receiving of the check was reported by the chief to the board and same was deposited in the bank in the name of the chief engineer, with other moneys derived from gifts to the department and money derived from fines.

The chief's accounts of moneys received from these sources are satisfactory to the board.

Charge 2, specification "A," in regard to inefficiency at fires. Very full evidence was taken upon this point, and after hearing all of the evidence the board are of the opinion that all of the fires mentioned in the specifications were sufficiently handled, and that no more water was used than good judgment, at the time of the fire, would dictate. It is easier after a fire to say how much water should have been used than to know during the progress of the fire how much is necessary to put out the fire.

The object of a fire department is to put out a fire as quickly as possible and prevent its spreading; in doing this more water may sometimes be used than a critical examination of the premises after the fire is over show to have been necessary. The use of water must rest largely upon the discretion of the subordinate officers and men, and the board are of the opinion that in all of the fires mentioned in the specifications, both the officers and the men did excellent work.

Charge 2, Specification "D," that at the Walker Clothing fire 2,800 feet of hose were laid out, and that in case of another call the chief could not have responded with the hose, the board are of the opinion that the chief should use care in keeping, if possible, the hose reeled which could be taken to another alarm, but in the case instanced the fire was so joining the Cullen hotel, and the evidence shows that there was smoke in the Cullen hotel basement and it was not known at the beginning of the fire, whether it was in the hotel or not, and in view of the fact that the said hotel was a large building filled with guests, the commission are of the opinion that the chief was warranted in laying out all of the hose that was laid out at the fire.

Charge 2, Specification "E," with reference to having steamers out of service. The evidence shows that the steamer at House No. 1 has been in service ever since the lack of water pressure in the spring, and that it has never been customary to have the steamers in active service with a normal water pressure but are always held in readiness for a second call. The steamer in No. 2 house has never been in active service during the tenure of Chief Devine's appointment by the Mayor; it is kept in readiness for a second call.

The apparatus at No. 2 house consists of hose wagon, hose reel and steamer. It is imperatively necessary that the hose wagon and reel be taken at once to a fire, as they must necessarily be used before the steamer, and in a majority of instances the steamer is never used at all, in addition to this there are at No. 2 no places for horses for the steamer.

There are stalls for five horses of which one is for the assistant chief's buggy, two horses for the hose wagon and one or two horses for the hose reel, according to whether a one or two horse reel is in service; it will therefore be seen that it is impossible to have a steamer at Station 2 in active service and have it respond upon a first call.

Specification "F," under the same charge, in regard to taking away 500 feet of hose from House No. 2.

The evidence shows that when the two-horse-hose-reel was used there were 2,800 feet of hose at House No. 2.

In putting the steamer in active service, it became necessary to put the one horse reel at No. 2, reducing the amount of hose to 1,750 feet.

This was the best the Chief could do with the apparatus and horses furnished.

Charge five, Specification "G," in regard to not having sufficient force upon Aerial ladder truck.

The evidence shows that it takes from one-third to one-half of the entire force of both houses to properly man aerial ladder truck, when in active use in a fire.

The chief sends out to a fire with the aerial ladder truck, two and sometimes three men; a driver, a foreman and sometimes a man on the seat with the driver. All of the other members of the department responding to a call are assigned to apparatus which will get there first and which will in all human probability be used first. The record of the department since the purchase of the aerial truck, shows that only once now occasions has it been used at all. The board are strongly of the opinion that the assignment of the men to the apparatus, by the chief, is judicious and proper. It certainly seems to the board that good judgment would dictate that in view of the limited number of men in the department, those we have should be given to a fire as quickly as possible and upon the apparatus which is first put in service, and we recommend that this disposition of the men be continued.

Charge 2, Specification "H" in regard to placing up fire apparatus and using hose cart with twenty-foot extension and twelve foot ladder, and failure to visit fire house No. 2 more than once a month.

The evidence shows, and the board already know that the apparatus that we have has been repaired.

The board has endeavored to administer the affairs of the department as economically as possible, and not make regulation for new apparatus where old would render efficient service.

The hose wagon at No. 2 house is not as good a wagon as it should be, but it has always rendered efficient service at fires and while the board, would, very much like to purchase a new hose wagon, yet in view of the necessity for economy in the affairs of the city we have thought that the old wagon could be used with safety for sometime longer.

With regard to the hose wagon with twenty foot extension twelve foot ladder, the board listened to the evidence upon the question and also examined the pamphlet referred to, and is of the opinion that the ladders do not make the wagon sufficiently top heavy to impair the efficiency or render it dangerous.

In reply relating to district in the city to which it is impracticable to send the aerial truck, it is necessary to have ladders upon the hose wagon, with which second and third story windows of dwellings can be reached.

The evidence in regard to the frequency with which the chief visited House No. 2 was that sometimes he did not go for two or three weeks and sometimes was there every day. The board is of the opinion that this charge is not sustained.

Charge 3, Specification "B." It is charged by reason of lack of management on the part of Chief Devine. There were, on May 20th and 27th, 1895, only two men in charge of No. 2 Fire House at meal hours. This is strictly attributed by the chief, and if any two men were left in the house on those days the officer in charge of the house is responsible therefor.

The testimony was that the captain prepared the schedule of meal hours; in any event it was reprehensible in an officer having charge of the house, whether captain or assistant chief, to allow all but two men to be absent at the same time.

Specification "C" charges Chief Devine with being early and sharpsy, haughty and dictatorial, thereby breeding a feeling of discontent and hatred among the men.

The evidence upon this point was conflicting, and we are of the opinion that the charge was not sustained.

Specification "D," charge 3, charges the chief with failure to harmonize the men and alleges that the chief and assistant chief have not been on speaking terms for months except when public duty has made the exchange of words absolutely necessary.

The evidence shows that when the chief came into the department there was a lack of harmony among the men; that there were two factions and that in particular Chief Donovan and Captain Sullivan were bitter enemies and had some altercations after the chief came into the department; that in attempting to reconcile these two officers Captain Donovan took offense at some censure of the conduct of these men towards each other and that for a time the relations between the chief and assistant chief were strained; that last spring this estrangement was removed.

Charge 4, with reference to favoritism of individuals. We are of the opinion that this charge was not sustained.

Charge 5. The first specification charges that Ed. McCarthy acted as nurse girl for Mrs. Devine, and that he used material belonging to Salt Lake City in making a wardrobe and chest of drawers for Mr. Devine's family.

The charge that Mr. McCarthy acted as nurse girl was not sustained by evidence.

The evidence shows that a wardrobe and a chest of drawers for use in the department were made by Mr. McCarthy, but that the articles made are fixtures and property of the city.

When the former council chamber was turned over to the fire department by the City Council, the board instructed the chief to make the necessary changes with as little expense to the city as possible, and to employ the members of the force in making the changes, whenever possible so to do.

There were no closets in the department assigned to the chief, and out of old material on hand, the department carpenter at odd times whenever he was not needed in the other work of the department, made a chest of drawers and a wardrobe which are the property of the city, as above stated, and the commissioners are of the opinion that this action was proper.

Charge 5, Specification "B," as to discharge of Mrs. McGinnis and employment of Robinson, we are of the opinion is not sustained.

Charge 5, Specifications "C" and "D," in regard to members of the department doing private work for the chief and failing to be able to respond to fire alarms in consequence.

The evidence shows that when the new apparatus were being fitted up, windows were washed and floors scrubbed by members of the department; that this was work which would have been a charge upon the city, and the evidence shows that Mr. Fair was paid $2.50 for services he rendered, but we are of the opinion that the charge that he was moved from one house to another in consequence thereof is unsustained.

The evidence shows that on one occasion a member of the department while working at the fitting up of the chief's rooms did not get down to

(Continued on Page Five.)

## OUR LONDON LETTER.

### The Screams of the American Eagle Pleasing to the British Lion.

### NICARAGUA CANAL QUESTION.

**Cabinet Ministers and Near Relatives—Rosebery Rumors—Theatrical Notes—Little Billee.**

LONDON, July 6.—[Special London cable letter. Copyrighted 1895 by the Associated Press.]—The leading business, in view of the waning season, the approaching dissolution of Parliament and the fierce political campaign which will follow, are doing their utmost to rush their entertainments in before election.

Every night of the past week has been crowded with balls, dinners and parties of various descriptions, and those who cannot find a night during the next few days are being compelled to abandon the idea of carrying out their social program and will therefore postpone their projected entertainments or give them up altogether.

AMERICANS IN LONDON.

This year's invasion of London by Americans is the greatest ever known. They are to be seen at every turn, occupying the best apartments in all the popular hotels and visiting all places of interest. The leading restaurants are packed with them and they half fill the theaters nightly. Finally the Americans flock in crowds to the big music halls and enjoy themselves generally in every way possible. They are good customers everywhere, free with their money and content only with the best of everything. Therefore, it need hardly be added, the London hotel keepers, state keepers and public entertainers are not grumbling at the so-called American "invasion."

If proof was needed of the presence here of the multitudes of Americans, it was furnished by the crowds of patriotic citizens of the United States who attended the several Independence day celebrations in London on Tuesday last, and strange to say, the screaming of the eagle upon those occasions seemed to give the lion a certain degree of healthy satisfaction.

The *Daily News*, for instance, commenting yesterday on the banquet of the American society at the Holborn restaurant, says:

"The American Independence day was celebrated in London more cordially than on previous occasions. This is as it should be. The day brings no bitterness of memory to the present generation of Englishmen. But let that day and its lesson, our empire might by now be a thing of the past. It is never so fittingly celebrated as when the Englishman and Americans meet in honor of it at the same ceremony or at the same social board."

Three again during the banquet a cordial message was received from the president and members of Emmanuel college, Cambridge, who were dining in another part of the building, which caused the Hon. Wayne MacVeagh, the United States ambassador to Italy, who presided in the absence of the Hon. Thomas Bayard, the United States ambassador to the court of St. James, to remark that blood was thicker than water. Not to be behindhand in courtesy the Americans sent the Emmanuel men a reply, proposing as a worthy sentiment of the evening the memory of John Harvard, a son of Emmanuel college, and the father of liberal learning in the new world.

As a proof of the presence here of vast throngs of Americans, it may be added that at the Savoy hotel one night this week half a dozen dinners were in progress. Mr. George Gould's party was at one of the tables, and near them was the party of Mr. M. H. De Young, proprietor of the San Francisco Chronicle. At another table Mrs. Wert Dexter, of Chicago, was entertaining a number of friends and there were fully twenty persons of more or less prominence at the various tables in the room.

The registers of Lowes and Giddings's American exchanges show a larger number of names entered than for years past.

Mr. and Mrs. M. H. De Young arrived from Paris a few days ago and they are receiving much attention in society. They have been the guests of Mrs. John W. Mackay and other prominent people.

MR. DE YOUNG'S ART COLLECTION.

The sixty cases of art objects which Mr. De Young purchased in France for the California exposition memorial museum have arrived in London and will be shipped to the United States on Wednesday by the steamer Cuthera. The collection is one of great marvels, both in beauty and value. It includes old tapestry, vases, plates, etc., wonderful ivories of the empire period, Louis XV and XVI furniture and clocks and other admirable selections from the best collection it is possible to draw upon in Europe.

There was considerable comment among the New Yorkers who attended the reception given on the Fourth of July by Mrs. Bayard, wife of the United States ambassador, upon the fact that Mr. William Waldorf Astor, who was among those present, has aged greatly since the death of his wife.

Bret Harte created much amusement at the reception by displaying great anxiety that the English butler should announce his name correctly. The butler announced "Bretharte," whereupon the novelist called out "First Harte" at the top of his voice three times and set everybody laughing.

The Hon. Wayne MacVeagh delighted all by the happy manner in which he presided at the banquet of the American society. He is becoming a great favorite in London and was one of the few Americans at the garden party and the residence of Duke Cobourg-Gotha at Clarence house on Wednesday last.

CARELESS ABOUT THE MAILS.

There is much dissatisfaction at the careless manner in which the mails are dispatched to the United States. The North German Lloyd company advertised a steamer to sail last Sunday and notified the post office authorities to that effect but without giving any one to anyone or changing the advertisement, the company withdrew the steamer entirely and in consequence it is really waited at Southampton for several days.

RETURNED FROM NICARAGUA.

Archibald Ross Colquhoun, the well-known explorer and first governor of Mashonaland, has just returned from a several months' mission to Nicaragua, where he thoroughly inspected the Nicaragua canal route and visited the Panama canal. He was present at Managua, Nicaragua, during the British occupation of Corinto.

In an interview with a reporter of the Associated Press, Colquhoun, who is preparing an important work dealing with the whole question of the Nicaragua canal, said he regretted his inability to discuss the matter before the appearance of his book, but he gave certain particulars regarding the proposed canal. Asked if the scheme was practicable, Colquhoun emphatically replied: "Undoubtedly it is practicable. I feel certain of that. But there are many points of engineering importance requiring certain and full discussion. The American engineers who are in charge of the work are the highest ability and will, I believe, issue an impartial report, not in any way based on party lines. I had a long conversation with Col. Ludlow and the other members of the commission and also Commander A. H. Menocal, late chief engineer of the Nicaragua Canal company, who has been writing about the scheme for about twenty years, and who, in fact, is its originator. The project is from an engineering point of view, a very fine one. Of the 169 miles (the length from Greytown on the Atlantic, to Brito, on the Pacific), 124 miles will be navigable navigation of the river San Juan and Lake Nicaragua, 15½ miles will be through artificial cuts, making the total distance 140½ miles in which ships can travel with little or no restriction. There will be only 26½ miles of actual digging to be done.

"The climate of Nicaragua is infinitely superior to that of Panama and far from suffering, I have benefited in health from the visit. Although working during the very hottest season of the year, I found the climate quite pleasant and a more bracing one than the weather I experienced when in Burmah or Africa.

"From what I have seen of Nicaragua and in a lengthened visit to the United States, especially the Southern states, I am more than ever convinced of the importance to the United States of this project and hope that the United States government that the enterprise can be carried through as it should be.

"The canal, in my opinion, will be universally greater in its relations than the Suez and will be the largest revolution in the shipping routes of the world. For the United States the canal will not only save the cost of developing the trade of the Pacific slope and Southern states, but will more especially open up the magnificent basin of the Mississippi, at present lost to the commerce of the world."

SUFFERINGS AT THE HANDS OF A BARBER.

Congressman Harry Miner, of New York, who is here on theatrical business, says that he is almost compelled to wish he had been elected to Parliament instead of to Congress, in order that he might bring about some legislation that would teach London barbers a lesson as to the value of time. Mr. Miner adds that he has been a great sufferer on account of the way in which London barbers measure time. The other day the New York congressman got into a barber's chair here and the barber promptly gave his face a coat of lather. Then the man disappeared into another room. For half an hour Mr. Miner says he sat there and in the meantime the soap had thoroughly dried upon his face. When the barber returned, Mr. Miner demanded to know what he meant. The barber said he had to dress a lady's hair." It took Mr. Miner exactly three-quarters of an hour to secure a shave.

IN THE QUEEN'S PRIVATE APARTMENTS.

Police Captain Mason, who has charge of the police telegraph system, has been having a grand time in London, and the officials of Scotland Yard have extended to him every courtesy. He accompanied Inspector Richardson on a tour of inspection to Windsor castle the day before the queen returned from Scotland. In this way Captain Mason managed to see all the private apartments of her majesty, which is a very unusual privilege for a man.

RELATIVES IN THE CABINET.

The number of near relatives in the new British cabinet is much discussed. Parliament will have to deal with Chamberlain, H. Hon. Joseph Chamberlain and Austen Chamberlain, respectively secretary of state for the colonies and junior lord of the treasury. Then there is father-in-law and son-in-law in the Marquis of Salisbury, the premier, and the Earl of Rosebery, the undersecretary of the colonial department. Then come the brothers Balfour, H. Hon. A. J. Balfour, the first lord of the treasury, and Gerald William Balfour, the new chief secretary for Ireland. Both of them are nephews of the Marquis of Salisbury. Finally there are the two brothers-in-law, Lord George Hamilton, the new secretary of state for India, and the Marquis of Londonderry, the new secretary of state for war. There is much gossip among the agricultural classes in regard to the future policy of the government. A great many of the landed gentry profess to know that the Marquis of Salisbury will never an export country foreign products other than wheat and a number of Irish tories are using this argument in an attempt to secure votes.

RETURNING HOME.

Senator Richard F. Pettigrew, of South Dakota, sails for home today after a three months' tour of the continent. He has greatly improved in health and gained in weight.

CROKER AND HIS HORSES.

Esau Gallop, formerly Uncas, Mr. Croker's horse, is no longer in the stud. It was found necessary to perform an operation on him as he had become very savage and nearly killed one of the stable boys. Besides Sinnott could no longer ride him on account of his weight. Since the operation, however, Esau Gallop has been as meek as a lamb and Sinnott takes delight now in going into his box, a thing he did not dare to do a week ago.

Mr. Jerome K. Jerome does not intend to apologize to Mr. Croker for repeating a statement made in Jerome's paper about Sinnott. He published Mr. Croker's letter on the subject which was the same in meaning as the one written to Mr. Henry Labouchere, and published in the *Truth*, but he adds: "It does not tally with my information and it would be to the advantage of the public that the affair should be carefully inquired into."

ROSEBERY A FAVORITE.

The rumor that Lord Rosebery is to marry one of the Princes of Wales's daughters is revived this week and it is said he may relinquish politics entirely. It is understood that the queen would not offer any opposition to the match.

Lord Rosebery continues to be her great personal favorite, as her bestowal on him of the late duke of Hamilton's Order of the Thistle indicates. Lord Rosebery possesses the Order of the Garter, and it is extremely rare for anyone but of royal blood to hold both orders, the only other instances being the earl of Aberdeen and the duke of Argyle.

UNIVERSITY ATHLETES' BAD REPUTATION.

Commenting upon the possibility of an international university athletic contest, Lady Colin Campbell's Association says:

The American universities have nothing like the authority in athletic matters that our universities have. Things might easily go wrong. The tones kind of sport hangs about the American tracks, from falsifying a record to poisoning a competitor.

Reviewing the prospects of the Cambridge crew on the coming regatta at Henley, Mr. W. H. Wedgwood, the expert English oarsman, who has carefully watched the progress made by all the crews which will compete in the race for the grand challenge cup, predicts that the leader and new college crews will be first and second. Mr. Wedgwood also expresses the opinion that the Cornell crew will not be able to hold out after passing Fawley court against the longer reach and swing of the Eton crew.

The *Daily Mail Gazette*, commenting on the same subject, intimates that the football men have been doing the best of improving during the past week. It has been discovered, the *Mail Gazette* adds, that stalwarts are going to be matched against the United States government that the enterprise can be carried through as it should be.

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## FAMILY QUARRELS.

### A Chief Topic of Interest in Both Branches of the District Court.

### MRS. PETERSES GETS HER BABY.

**The Sharkey case—Wool Speculation Report—Two Receivers Appointed —Long List of Court Orders.**

In the Third district court today both Judges Merritt and Baskin had a busy Saturday. Each one had a family quarrel to dispose of between litigants, and in each case the wife scored a winning point. Then there was the report of Judge Harkness in the long standing Territorial Wool association case, in which the Cohn & Co. interests come out ahead. Two receivers were appointed in small contests, and Sheriff Hardy's fees were cut down more than a third in two other cases. Besides this there was a settlement of the Park City contempt case, and then came a lot of regular legal business.

BEFORE JUDGE MERRITT.

The first case to which testimony was taken was that of Emma L. Peterson vs Andrew J. Peterson. The couple were married about two years ago, but after living together a short time the disturbances between them caused a separation, the wife going out to work for her own living. In October, 1894, she gave birth to a baby girl, and three weeks thereafter was taken down with typhoid fever. Her husband came and took their baby, by consent, but later refused to return it. The proceeding today was taken by the mother to regain possession of the child. Several witnesses were examined on each side, but there was no contest as to Mrs. Peterson being a proper person to have custody of the baby, the father merely insisting that she not be given up all alone to it, which she denied.

On the witness stand Mrs. Peterson said her baby was taken from her when it was five weeks old; her husband took it, promising that when she recovered from typhoid fever she could care for it, she would have it again. It was in Beaver county the last time she heard from it. It was now seven and a half months old. On cross-examination she denied having said she would not rest if he not intended to give it away. She was ill for the latter part of January. Before that she had sent her husband to bring the child back, but he said it was too cold. On the 19th of February she went to see the baby, but was prevented from taking it away. After that the baby was taken to Beaver county. Her husband threatened to kill her if she tried to secure the child. Then she went to a lawyer, to take steps to get the baby.

Mr. Peterson's statement was that he took the child with the intention of retaining it permanently. He says his wife refused to take care of the child. Two weeks before she applied for divorce she first informed him that she wanted it. He had never threatened to kill her. The child was in Beaver county, with his sister, at present. He never had any trouble retaining the child. He claimed being drunk when his wife left him.

Judge Merritt expressed his regret at being called so often to deal with family quarrels, and in this case expressed the view that the husband's conduct was not of that manly character he would like to see in a father to one when she was ill. He therefore ordered that the baby be returned to its mother within ten days.

The case of Henry Wagener vs Andrew J. Peterson is what is known as the Park City contempt case. It was stated that the president and secretary of the Summit ice company had failed to respond to the court's order in an investigation of creditors to ascertain the property of Andrew J. Peterson—he claim connected with the dispute about his baby. The secretary of the company explained that he had been told by Mr. Peterson that the hearing was not in progress, hence he had failed to appear. There being no intention of contempt, the proceedings were dismissed, with the remark that if the officers did not appear the court would use its power of compulsion.

The next important case was that of V. M. C. Silva vs. W. L. Pickard et al., and an order was made approving the findings of fact and conclusions of law by Referee Harkness, and judgment was entered in accordance therewith.

This is the case in which the Territorial Wool association, which W. L. Pickard of H. Cohn & Co., V. M. C. Silva and W. L. Pickard, lost a [illegible] amount of money in the wool boom in 1887, owing to investing too large. Messrs. Silva and Pickard claimed that the limit of wool to be purchased was placed at 1,000,000 pounds, but the others denied any knowledge of such limit. The question hinged upon this point, and the referee finds that while such limit may have been fixed as stated, the action was not brought to the knowledge of the other parties in such way as to be binding upon them.

When the investment was made, 1,420,941 pounds of wool were purchased upon which there was loss of 2.520 cents per pound. In 1890 and 1891 Silva and Pickard received $75,000, Mr. Silva $33,016.28 and Mr. Pickard $40,331.11, a total of $153,853.78. Upon settlement for the two years only $27,904.42 was found coming to the firm, and upon this there was a disagreement, pending the settlement of which the money was placed with F. H. Auerbach at 6 per cent interest. The referee now finds that Mr. Pickard should receive of that amount $629.62 and interest, the balance to go to Cohn & Co., at the same time, to make the whole matter even, Mr. Silva has to pay to Mr. Pickard and to Cohn & Co. $5,353.01 each, with interest at 6 per cent.

Orders were entered to the following cases:

Samantha Sullivan vs Salt Lake City; motion for new trial overruled.

Mary E. Smith vs Salt Lake City; motion for new trial overruled.

Charles L. Anderson vs Amos Fass-

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