The Evening paper is the paper of Today, the morning paper is the paper of Yesterday.

# DESERET EVENING NEWS.

5 O'clock -EDITION.-

TRUTH AND LIBERTY.

NO. 101 THURSDAY, MARCH 22, 1894, SALT LAKE CITY, UTAH. VOL. XXVII.

## THE NEWS BY WIRE.

### Affidavits in Behalf of Colonel Breckinridge.

**A LOOPHOLE FOR PRENDERGAST**

Another Bomb in a Paris Church.—The Gold Product of the World.—Kossuth's Remains.

WASHINGTON, March 22.—The Pollard-Breckinridge trial was resumed this morning with the reading of affidavits in behalf of the defendant. The first read was that of Sister Augustine, of Natwood convent asylum where it is alleged Miss Pollard was first confined. Sister Augustine, like Sister Agnes, whose affidavit was read yesterday, failed to recognize Miss Pollard as having ever been an inmate at the asylum. The only Louise Wilson ever in that institution gave birth to a child there (no sex). During the time Miss Pollard claimed to be there, there was but a young woman veiled most of the time, claiming to be from a northern state. The attorney read the name by which she was known at the asylum. Sister Augustine had only given the name she gave the condition that it be kept secret.

THE SAYER CORRESPONDENCE.

The entries on the convent books and the name of Miss Burgoyne corresponded with the dates which Miss Pollard and Dr. Hunt gave of her admittance to the asylum, the birth of the child and her departure. Miss Burgoyne visited the asylum twice afterwards. When told of the death of the child she threw up her hands and ran from the room, but when she returned there were no evidences of grief to her face.

AN ALLEGED CONFIDANTE.

A Cincinnati paper of March 19, publishes this story: Miss Pollard's sole confidante was an intimate friend of the Breckinridge case is simply the last chapter in a conspiracy begun in 1893 and maintained up to the beginning of the present trial, Mrs. Ingham, Several girls received among themselves to marry and marry well. Three of the conspirators were sleeping companions in Ohio city in 1894, just before the college closed to admit any more ladies. One of the graduates opened an office and boarding house on Garfield place, and it was here that Miss Pollard was questioned and treated when she made her first appearance in this city. It was here that she met Mr. Buchanan, who is now in Washington with her.

Mrs. Buchanan is conducting the patent medicine business of a wealthy physician, now deceased. It is said that the business is conducted for the benefit of the widow of the man who is now married. Over $1,000,000 has been made in this business. This, it is said, is the secret source of Miss Pollard's means to marry in her case against Colonel Breckinridge. It also accounts partially for the haste exhibited by Mrs. Buchanan in having Cincinnati at the first intimation of trouble and hurrying to Miss Pollard's side.

The other ladies who also married prominently, one of them Josephine Holmes, who was a friend of Miss Pollard, was the private secretary of a prominent physician and friend of President Harper of the Fidelity bank. Later she married a prominent capitalist in Washington and is now in Cincinnati. Another married one of the best attorneys in this city. All of these who were members of the party years ago are now here and have succeeded in marrying well will do all they can to assist Miss Pollard in the way of advice and financial help.

**Kossuth's Remains.**

TURIN, March 22.—The remains of Kossuth leave for Buda Pesth next Tuesday.

**ALL FOR PRENDERGAST.**

**His Attorneys at Work in His Behalf.**

CHICAGO, March 22.—In the United States court of appeals, Judges Jenkins, Woods and Baker on the bench this morning denied the petition of the attorneys for Prendergast, the assassin of Mayor Harrison, for a writ of habeas corpus to prevent Prendergast's execution tomorrow. The only possibility of escape now lies with Acting Governor Hill, who is the chief executive in the absence of Governor Altgeld.

SPRINGFIELD, Ills., March 22.—The attorneys for Prendergast will make an argument before Acting Governor Hill this afternoon for executive clemency on the ground of insanity. It is not believed that he will interfere with the course of justice.

IS HE INSANE?

Immediately after the decision of the court of appeals, Prendergast's attorneys developed a new loophole for their client by making an application to Judge Baker, of the state circuit court, for a writ of habeas corpus, the question of the sanity of their client tried. Judge Baker granted the application and the trial began this afternoon.

Judge Baker's action, it is said, means the postponement of the execution pending the verdict and if the prisoner is found insane the result will be indefinite postponement.

**An Official Denial.**

DENVER, Colo., March 22.—Father Dunne, editor of the Colorado Catholic, has received an official communication from Right Rev. Monsignor D'Orsa, bishop of San Luis Potosi, which denies the report recently made that the Jesuits had expelled the people from his diocese.

**Another Bomb in Church.**

PARIS, March 22.—A bomb exploded yesterday afternoon in the church of Sablons, near Grenelle, as the congregation was departing. The explosion was just inside the main entrance. Twenty persons were injured, three probably fatally. A panic ensued during which a counter was pounded under foot and injured. There were no arrests.

**The Gold Product.**

WASHINGTON, March 22.—The production of gold throughout the world to the amount of $150,000,000 for the calendar year 1893, is the latest estimate of the bureau of mint. The production for 1893 was $128,861,000, an increase of $11,000,000, mainly contributed by the United States, South Africa and Russia. The figures for the United States, although not yet quite complete, indicate an increase of $4,000,000. The increase in South Africa is about $9,000,000 in Russia and Australia half a million each. There will be small gains in other countries, including China and Japan, but they may be offset by small losses elsewhere. Reports reaching the treasury department indicate that the production of gold is being pushed to a maximum and that improved processes will be used to the utmost to increase the output for 1894.

**A Double Murder.**

TEXARKANA, Ark., March 22.—George Washington fired a revolver at John Mack and killed him and Joe Edwards with a single bullet. All are colored.

**Failed Again.**

LONDON, March 22.—The River Plate Bank has suspended. This is the same bank which failed in 1891.

## WORST STORM IN YEARS.

### The Railroad Traffic to Cheyenne, Wyoming, Cut Off.

**Work to Clear the Tracks—Mild Temperature After the Storm.—The Snow Melting.**

Special Telegram to the News.

CHEYENNE, Wyo, March 22.—All railroad traffic for a distance of 200 miles east of Cheyenne has been at a standstill for thirty-six hours, but west of Cheyenne the Union Pacific has managed to keep the road open, although the mail and passenger trains have been delayed and are running several hours late. The overland fast mail and passenger train No. 1 have now moved in between Cheyenne and Pine Bluffs near the Nebraska line, since early yesterday morning. All other westbound trains have been stalled at North Platte, the last one west east from Cheyenne over the main line from Tuesday night until 1 o'clock this afternoon, when a special was made up and mail cars and express sent out. Superintendent Parke of the Nebraska division has been all with the snow plow since early this morning and the officials here think the road will be cleared by this evening. No attempt has been made to move the freight west of the Wyoming line since the storm began. The snow stopped drifting about 9 o'clock this morning and it is blowing rapidly now. The worst storm since October 1892 is over.

**Killing Frost.**

KANSAS CITY, March 22.—At noon yesterday the thermometer registered 75. At 7 this morning 27. Ice formed half an inch thick. It is feared that peaches and plums in bloom were killed.

**Snow and Wind.**

MONTREAL, Mon., March 22.—Two feet snow has fallen since last night. A high wind is blowing and all trains are delayed.

**Another Justice for Sing Sing.**

NEW YORK, March 22.—Captain Jansen, of Gravesend, has been found guilty of perjury in carrying out the program of John Y. McKane at the election last November. Justice Nesse pled guilty of complicity in election frauds and was sentenced to ten months' imprisonment and started at once for Sing Sing.

**THE GREAT BLIZZARD.**

**Its Severity in Nebraska and Wyoming.**

OMAHA, March 22.—The blizzard that has been raging over the northwest for forty-eight hours continued today in western and central Nebraska, eastern Wyoming and Black Hills. All trains on the Union Pacific between North Platte and Cheyenne were blocked, but the snow plows were out and great effort will be made to clear the tracks and the trains will leave for the west this evening. The chief sufferer is the small town of Cheyenne, but a terrible gale is blowing. The Elkhorn road is snowed up west of Osella and the Burlington and Wyoming line is entirely blockaded.

The snow reached the Missouri river today, but only in slight flurries. The mercury went down 40 degrees in Sioux Columbus at noon. The snow varies in depth from a foot on the level at Sidney to four feet at Sparrish. The effect on the corn crop will be disastrous as all big ranges of the state are in the district covered by the deep snow.

**Suffrage for Women.**

DES MOINES, March 22.—The house passed a bill granting school and municipal suffrage to women. The senate passed the bill and passed by the house yesterday.

**AT OMAHA.**

**The U. P. Conference—Irrigation Matters.**

OMAHA, March 22.—No conference was held this morning between the Union Pacific officials and President Clark, as they notified him that their schedule would not be ready till this afternoon. It is said the receivers and engineers are at odds over the policy of constructive mileage which have now allowed the Harriman receivers to double the mileage of the road. They have not been able to reach an agreement on this point.

Nearly the entire morning the meeting of the Interstate Irrigation convention spent in executive session, debating a series of resolutions proposed by the executive committee. The principal fight was made over the clause recommending that Congress make a modification in not the practicability of irrigation by means of artesian wells. No conference was held and the debate continued till the afternoon session. Aside from this the convention adopted a report on "Forestry" and resolutions on "Government Machinery for Irrigation."

**Guilty Says the Jury.**

KALAMAZOO, Mich., March 22.—The famous Frederick Jackson De Forest forgery case was concluded at noon, the jury bringing in a verdict of guilty. In November, 1891, a man giving his name as Irwin Ford presented a forged draft at the First National bank of this city and received $2000 on it. The money was paid in gold and it was thought at the time that the party was evidently acting for De Forest and Forest are identical. De Forest is wanted for similar crimes elsewhere, and the officers have been waiting to recapture him in case of acquittal. He is not yet sentenced.

**Up For Second Consideration.**

WASHINGTON, March 22.—There is good authority for the statement that the President has not yet decided what he shall do with the Hawaiian matter. He is sure to follow Cleveland's lead and take the position that the purpose of the act recently entered by the president under the existing law, the "Hawaiian act," authorizing the mileage of bullion, the secretary of the treasury being empowered to coin the seigniorage thus earned.

**The Bimetallic League.**

DES MOINES, Iowa, March 22.—At the morning session of the bimetallic league, speeches were made by Senator Donnelly and others. The national administration came in for some scourging, and Chester Arthur's existence in the court and Secretary Gresham's recent orders were approved. General Warner was chosen chairman with a full list of officers.

**Stones in Convention.**

PUEBLO, Colo., March 22.—The miners' convention, representing all the miners of the union in the United States assembled here today. The purpose is to take steps towards a federation of all miners' organizations in Colorado.

**Bonney's Contempt Case.**

DENVER, March 22.—The contempt proceedings against Mayor Van Horn, Excise Commissioner Mullin and Harney continued before Judge Gyles today. W. W. Evans, attorney of the Denver Tramway company, who has been accused of spending several hundred street men in the city hall to attend the meeting Oct. and Martin in the fight against the governor was the first witness. He emphatically denies the charges and says he has served a peaceful settlement of the trouble.

The supreme court today received the briefs presented by the attorneys for Governor Waite, in his city hall case. The court expects to render an opinion Saturday.

**Presidential Appointments.**

WASHINGTON, D. C., March 22.—The President has appointed Jesse F. Murphy, ingoldsby the land office at Olympia, Washington.

Wm. H. Dunphy, receiver of public moneys at Walla Walla, Washington.

Edward K. Hawkins, receiver of public moneys at Olympia, Washington.

**The Stevenson Inquiry.**

NEW YORK, March 22.—The court martial of the trial of Commodore Hayenemann, of the United States steamer Kearsarge, convened at Brooklyn navy yard today. After organization it is learned until tomorrow.

## Twenty-First Ward Social.

The annual reunion and social in the Twenty-first ward meeting house last night was a very pleasant and highly successful affair, and to the T. and S. A. societies, under the auspices of which it was given, great credit is due.

It is estimated that not less than 600 persons were present. The building had been beautifully and appropriately decorated for the occasion. There were numerous cash contributions and a very substantial sum was raised. The proceeds will be distributed among missionaries who are now preaching the Gospel away from home. The previously that it was decided will be given to the deserving poor of the ward. An adjournment was taken until this afternoon, at which time the children of the ward were to be made the guests of honor.

## Grice Burglary Case.

Samuel Grice, the man who fires over Jordan to the vicinity of Garden city, and who was arrested by the officers a few days ago on a charge of burglary, was in Judge Henderson's court yesterday and other time papers of the equipment, the decision should be reversed and a new trial granted.

It was so ordered.

**IT WAS AN ACTION IN TROVER.**

Judge Bartch read the opinion in the case of Lorenzo Hyrum and John A. Davis, appellants, vs. Simon Bamberger and O. J. Salisbury, respondents. (Appeal from the Third Judicial District court.)

It was an action to recover to recover damages for the wrongful conversion of Office property cows, secured by 2000 shares of stock of the Dallinger Mining and Smelting Co. Bing Co. The cows were mortgaged John Hock in favor of the plaintiff Hyrum. The cows were tried before a referee, who found, substantially, that the plaintiffs, on November 18th, 1891, after tender and demand for the cows, were the owners of the collateral notes and shares, and not to a lien in favor of the defendants for the sum of $9,750, and were entitled to the possession of the cows, that the defendants, by the wrongful refusal to deliver the cows upon demand of the plaintiffs for their possession, unlawfully converted the same to their own use, and that the measure of plaintiff's damages was the value of the property converted, which was found to be $9,000, less $9,750 the lien, or $750, for which sum he rendered judgment in favor of plaintiffs. The defendants having tendered the plaintiffs the balance thus due before the trial, and they having refused it, the referee gave judgment in favor of defendants for costs.

The important question for determination was the sufficiency and effect of the tender made by plaintiffs to defendants.

The tender held that as after the sale the 20-days made a tender in writing which the referee found was valid, then upon the refusal of the plaintiffs to accept they were guilty of conversion, and the cows thereby and thereafter they could only look to the personal responsibility of the plaintiffs for satisfaction for the loss. The referee could not lawfully deduct the amount of the debt from the amount of the damages, separately from which counsel was made in the answer.

The case was unanimously reversed and remanded with directions to the court below to grant a new trial, with leave to the parties to amend their pleadings if they deem it necessary.

Judges Smith and Miner concurred.

**A PARTNERSHIP ACCOUNTING.**

The first case under argument was that of V. M. C. Sims, plaintiff and respondent, vs. C. L. Pope, Henry Cohn, F. H. Auerbach and S. Auerbach, under the firm name of H. Cohn & Co., Territorial Wool and Hide Co., defendants, of whom H. Cohn & Co. and F. H. Auerbach were plaintiffs and appellants.

Marshall and Rolfe and W. H. Dickson were counsel for Cohn & Co., Sutherland & Howat were Pope's attorneys, Orlando Hills and Brown & Henderson represented Sims.

The action was brought for the settlement of a partnership account and the distribution of a considerable sum of money in the hands of W. H. Dickson, belonging to the partnership. The trial took place before Wadsworth Van Orit as referee. Judgment went in favor of Sims and Pope, and against the and an order by Judge Zane overruling a motion for a new trial the present appeal arises.

**TWO MORE FOR ANOTHERY.**

Other cases set down on today's list for hearing are:

The Lima Machine Works (Ohio), plaintiff and respondent, vs. E. H. Parsons and H. A. Rowan, defendants and appellants, on action of replevin brought by plaintiff against the defendants for the conversion of a locomotive engine. Law appeals from the judgment and order of Judge Miner denying defendants' motion for a new trial.

Bailey, Schwab & Co. (Illinois), plaintiffs and respondents, vs. James Tucker and H. C. Wallace (trading as Tucker & Wallace). This case comes from the First Judicial district, Judge H. W. Smith. The action was brought to recover $661 for goods sold and delivered, and judgment was given for the plaintiffs. The appeal is against the judgment and from the order overruling the demurrer to complaint.

## Picked a Lady's Pocket.

There was a case of pocket picking at the Rio Grande Western depot last night. The victim was a Mrs. Gilbert, wife of a railway employe. Just before stepping on the train for Grant Junction she discovered that her purse containing a few dollars in money and her railway ticket, were missing. An officer took the matter in hand and shortly after found the lady who had the purse lying on the platform. One of three men who had been seen lurking about in a suspicious manner is believed to have been guilty of the robbery.

## Arrested Him at Los Angeles.

James F. Cheraplin, alias Edmonds, alias Tom Cook, says a Los Angeles dispatch, who is wanted at Provo City, Utah, on a charge of larceny, was arrested here this afternoon. Cheraplin fled from Utah after he had been found over to be tried for the crime charged.

## Course of Lectures.

The "People's Lecture Course" begins Friday evening at 8:30 at Pythian hall, corner 2d Third South street, with a stereopticon lecture by Prof. Marshall, of the University, on "Hypnotism." The course contains seven weekly lectures, five of them illustrated. The others are Rev. Dr. Hawes, "The Mammy Kings;" Prof. H. M. Matheis, "Glimpses of English History;" Dr. A. Y. Moyer, "How to Have Good Health;" Prof. D. B. Augsburg, "Chalk Talk on Expression of Music;" Judge C. C. Goodwin, subject to be announced; Prof. R. Cummings, "Life in Ancient Rome."

## A Promotion.

Frank B. Semple, who is well known in local business circles from his frequent visits here in connection with railway affairs, has been advanced to the position of general passenger agent of the Union Pacific, Denver and Gulf Railway. For nearly months past Mr. Semple has been filling the position of assistant to Fred Wild, who undertook to direct both the passenger and freight business of the road, which for months will be somewhat separated. Mr. Semple has had a long experience with the Missouri Pacific, Burlington and Louisville and Nashville roads.

## Land Office Items.

The case of Lois Nellson vs. The Central Pacific Railway company is on hearing in the land office.

Harvey W. King, of Fillmore, Millard county, has filed an application in the land office for a homestead entry of 160 acres in section 11, township 22 south, range 5 west.

Julian J. Grider, of Castle Dale, Emery county, has filed an application for a homestead entry of 160 acres in section 30, township 18 south, range 5 east.

Isaac W. Robinson, of Ferron, Emery county, has filed an application for a homestead entry of the acres in section 25, township 16 south, range 7 east.

W. M. B. Isom, of this county, has filed final proof for his desert entry of 40 acres in section 35, township 1 north, range 1 west.

S. Hays, of Bingham, has filed an application for a mineral patent for the M. Gunnar, Charles Brice and Hoff-man placer mining claims. The claims are delineated as survey No. 2968. They are 1,337 feet in length by 600 feet in width, and cover 18.41 acres in West Bingham mining district, Salt Lake county.

John Fleming, of Eureka, filed an application in the land office for a mineral patent for the Chicago, Northern Light, Mt. Parnes, Sun Dance, Dove and Gale claims and the Silver Star and Gem. The entries cover 16.35 A acres, the mill site of the Tintic mining district, Juab county. The time allowed for the claims will close. The plaintiffs claim that the Sun and Parnes Protestants.

## The District Court.

There will be a session of the Third district court next Saturday for the hearing of motions, etc.

## Today's Probate Court.

Only one case was made in the probate court today by Judge Blair. It was in the matter of the estate and guardianship of Sarah E. Cavanaugh. Hearing was had on petitions for letters of guardianship and the court directed that a citation be issued to J. M. Cannon to receive and file his account, as guardian, on or before May 15th next.

## Lawyer Kirkby Located.

On Tuesday evening the NEWS contained an inquiry taken from the Mayor's mail as to the whereabouts of an old attorney, W. H. Kirkby, who was engaged in the practice of law in this city fourteen or fifteen years ago. It now appears that he has located at Butte, Montana, where he was seen visiting the latter part of 1893, by Isaac Rose, a well known Salt Lake. It is said that Mr. Kirkby is a relative of John Trumbo, now deceased.

## From the Idaho Washouts.

General Passenger Agent Bailey, of the Union Pacific, who went up to Limbo a few days ago to investigate the washouts near Mountain Home and give necessary directions, was expected to return to Salt Lake today, being due on the 6.35 train. He spent some time at Pocatello and from there went down the Short Line to Granger, Wyoming.

## April Conference Rates.

The Union Pacific and Rio Grande railway companies are, through their local officials, preparing a schedule of to accommodate those who will be bound from the first conference, April 6th, from all stations south of Juab and north of Ogden from the 3rd of April to the 9th. These tickets will be good for return until April 17 and Ogden. Pagan and intermediate points reduced rate tickets will be sold from Juab and Salt Lake and will be good for return until April 10 and meeting the 12th. It is understood that the rates will be very low.

## Montague and Devine.

A petition for a writ of mandamus has been filed in the Third district court by Judge Powers, on behalf of Charles H. Montague, a member of the Salt Lake fire department, who has been passed by Chief Devine. It seems that the chief is ordered to restore the petitioner to his former position. Montague claims that he has been connected with the fire department since 1891, and that on the 19th inst. he was discharged without probable cause, as complained having been laid against him.

The writ has been made returnable for Saturday, March 24th.

## Basalt Items.

BASALT, March 19, 1894.—There was a big rainstorm and wind here on Friday. There was a big washout about three miles from this place, but the road is now in good order for traffic. A large piece of the road was also washed away near the school house.

On Friday, the 16th inst., the day school was brought to a close. The superintendent, Mr. McCracken, has done great work for the school. In the afternoon there were exercises in reading and a good spelling bee. Candies and parcels joined in the amusement. Prof. Lyman, the school physicist, thunder, rain and hail—some of the hailstones being of the size of small glass marbles. The schoolmaster received a vote of thanks from those present.

River Diversion M. Larson is called on a mission to Scandinavia. He will leave next month.

On Tuesday evening Mr. Orson gave an unique lecture at the school house to a big audience.

Our teacher, Jim Cox, was brought to close on the season her Tuesday. Our debate Reviews with George Washington being the winner.

The Priority officers are doing a great work; likewise the Relief Society officers. Harmony was good, but there was a good attendance at morning school. LOOKOUT.

## Territorial Notes.

The Sevier river is cutting away up, says the Richfield Advocate. In crossing to Wagons people have to crawl on top of the water front. It is not safe fording at Walterville.

Richfield Advocate: On the 15th, Andrew Peterson shot himself through the upper part of the leg, the ball passing through the muscle of the calf. The shot was not of order and accidentally went off. A few days afterward another boy borrowed the pistol and accidentally shot a horse in the leg.

About twenty-five witnesses in the Van Patten murder case are expected to leave Spanish for Provo on Monday next, to be in attendance at the trial, which is set for that day, the 26th.

The Manti football team is said to be desirous of claiming the championship of the Territory.

Richfield Advocate: The people are waiting for the necessary work finishing the Sevier Valley canal which is Cedar Ridge this spring, and many from Walterville and Vermillion are working on the extension for water work. The canal only flows now in to irrigate, enough to top power to finish up the blasting work, at the point of the mountain. The canal will be started in the way of completing this great enterprise.

## THE SUPREME COURT

### A Decision Affecting Soldiers' Additional Homestead Entries.

**ABOUT AN ACTION IN TROVER.**

Cases Argued Today.—Their Names Will Appear Tomorrow Until June Next.

The judges of the Territorial Supreme Court have been in session again today. Two opinions came down this morning.

**NILE AGAINST NORDHOFF.**

The Nile justice announced that upon the adjournment of court Lorenzo (Frank) Nordhoff to notice filings would take place until the 30th instant, and that all case now argued would not be passed upon till then.

**U. S. SUPREME COURT REVIEWED.**

In the case of Toland vs Clay, the mandate of the Supreme Court of the United States was filed affirming the judgment of this court.

Motion to modify the judgment was made, and the matter was referred to be submitted in writing.

**TIME IS IMPORTANT.**

The opinion in the case of John J. Mangan, appellant, vs. George McCarroll, respondent, was delivered by Judge Smith, Judge Miner concurring. (Appeal from Third District—Chief Justice Zane.)

This matter involved a single point—Can the grandson of what is known as a soldier's additional homestead entry, who died before the entry, or to convey to his grantee the late subsequently acquired from the government. If this question is answered in the affirmative, then the court must decide that the grantee is a bona fide purchaser.

The facts briefly stated are that one Adolph Hamburgmann, being entitled to a share in the homestead entry made under section 2306, assigned his right of entry to one Hemingway. Plaintiff (appellant here) traced his title through Hemingway, who died intestate and his title to a mortgagee directly from Hamburgmann, made after the issue of patent. The right to an additional homestead entry for the soldiers and sailors of the late war was granted by sec. 2306 of the revised statutes of the United States, which was in force when the entry was made, that is, in present form, was enacted March 3d, 1875, and since things must be done in order to entitle the soldier to the benefit of the act, he must be one of the persons mentioned in Rev. 2304, viz., a union soldier or officer in the late war of the rebellion, mortally wounded, or a seaman, marine, or soldier who shall have served two years in the regular army or navy of the United States, or who shall have served a period of nine months, in the