"A MISUNDERSTANDING."

That Little Affair Over the Howard Case Blows Over.

THE TWO ATTORNEYS NOT TO BLAME.

But Judge Zane Says the Jury System Must be Kept Pure.

At the time the News went to press on Saturday afternoon Judge Zane was still investigating the peculiar circumstances arising out of the filing of the affidavit by Mr. Rath, one of the jurors in the Howard adultery case tried last week.

Juror L. E. Nelson, following Mr. Rath on the witness stand, said: Two parties have been to me trying to get something out of me about this matter of the Howard trial. The first man who came up said he was astonished at the verdict. I replied that when one man kept another's wife for two years there must be something wrong, and added that the twelve jurors were guilty on the first ballot. He then said: "Now I have got you where I want you." I do not know who this man was.

Mr. Gilson, another juror who sat on the Howard case, testified: Mr. Hamilton spoke to Mr. Sutton and myself, saying he had heard we misunderstood the instructions of the court, and would like us to come to his office. I replied that I did not misunderstand the instructions, and that ended the conversation with me.

Juror Sutton was recalled and stated: I was approached by those parties who have been referred to. Mr. Hamilton told me that he wanted to secure a new trial, and I replied that I could do nothing for him. I was present when the man referred to by Mr. Nelson approached him. The man was Attorney Carey, who is in the room now. He told Nelson that that was a queer verdict. I then heard him say, "I don't give a d—, I've got three affidavits now. I have got you where I want you now." I told Hamilton that this man Carey had lost his case. Howard afterwards approached me and said the whole case was a miscomprehension and that Mrs. Everest was his half-sister. "This," said Howard, "is on the masonic line." I told him that I couldn't help him. When the jury came out with the verdict and it had been read, Mattie said to me, "Where was the adultery come in?" I replied that it came in through the verdict of twelve men.

J. W. Carey, an attorney who was only admitted on Friday, and who not identified by Juror Sutton as the man who had approached Juror Nelson, was then called and testified: I am a lawyer and have been practicing seventeen years. I had no connection with the case whatever, but was discussing it after the trial with a man named Whittaker, who said that it took three ballots to arrive at a verdict. I didn't think it did, and asked Mr. Nelson about it. When he said it took but one ballot, I stated to Mr. Whittaker, "Now I have got you," or "That is all I want to know," or something to that effect. I did not tell the juror that I had him where I wanted him.

This closed the testimony, and Attorney Hamilton said that although he had made his statement he was willing to make the same statement under oath.

Judge Zane replied that that would not be necessary, and continued: Counsel and other persons must understand that they cannot bring any influence to bear upon a jury before or after a verdict is rendered. Mr. Carey, I can hardly understand why you talked as you did to Mr. Nelson. It looks like intimidation. If you are not careful how you go around these jurors, you may have your name stricken off the rolls and get yourselves into trouble besides. The law is a great science, and pettifoggers who choose to go around following up jurors cannot appear in this court. I will allow it to go this time, but you must be very careful.

Mr. Carey—I would like to say—

The Court—I don't want to hear anything more from you. The statement of Mr. Rath, taken together with that of Mr. Hamilton, explains the matter somewhat. There was probably a misunderstanding. Attorneys must be very careful when approaching a juror after a verdict. Trial by jury is one of the most important rights that the citizen has. Liberty and the right of property depend largely upon it, and jurors must not be tampered with. The system must be kept pure. Counsel can appear before the jury in making arguments, but it must end there.

Attorney Hamilton stated that in view of what had transpired he would withdraw from the motion for a new trial Mr. Rath's affidavit and rest upon the other grounds.

The matter then dropped.

COURT NOTES.

On Saturday afternoon John R. Howard's surrender was taken before Commissioner Greenman and gave the usual bail bond required by Judge Zane. The bond now stands at $1000, being an addition of $500.

The trial of the case of William Eckersley et al. vs. Erick Kjellstrom et al., was concluded before Judge Anderson on Saturday afternoon. The suit was brought by the plaintiffs to eject the defendants from the Saturn mine, which they hold under a lease, and is of importance, as the lease is said to be worth $50,000 to the defendants. The court took the matter under advisement.

The divorce case of Alice T. Higgs vs. David Higgs came before Judge Zane on Saturday afternoon. Defendant failed to appear and a decree was granted on the grounds of cruelty and desertion.

In the case of E. F. Beck vs. J. M. Kennelly, judgment was rendered for the plaintiff by default for $351.70.

In the case of the people vs. Charles Mandin, charged with grand larceny, the defendant's bail was reduced to $800.

In the case of Bourgeaux vs. Bourgeaux, the hearing on order to show cause was set for next Saturday.

The same order was made in the divorce case of Bertha Lindsay vs. Mark Lindsay and Eleanor Tufts vs. Elutiage Tufts.

G. C. Clements, the absconding architect, recently tapped at Portland, Ogn., has been admitted to bail by Commissioner Greenman. Bond, $1000.

Deseret Agricultural Society.

On Saturday evening a meeting of the Board of Directors of the Deseret Agricultural and Manufacturing Society was held, at which President Lawrence and Secretary Wells were appointed a committee to request the City Council for an appropriation to cover the water taxes levied.

The Secretary read a preliminary statement to date of the receipts and expenses incurred at the late fair, also a financial statement of the present condition of the society, which will be published later when complete.

The band contest committee presented their report, recommending that the decision of the judges in awarding the prize to the First Brigade band of Salt Lake be confirmed, which was accordingly done.

A petition by the Young Ladies' Drill Corps was presented requesting the use of the Fair grounds for drilling purposes on certain days, which was granted.

The following resolutions were ordered printed in the newspapers of the city and copies sent to the governor of the Territory, the mayor and city council, the Salt Lake chamber of commerce, the Salt Lake stock exchange, Judge Barnes, Gen. R. Eldredge, Prof. Sutters, etc. After which the meeting adjourned until the first Saturday in December.

"Resolved, That the board of directors of the Deseret Agricultural and Manufacturing Society hereby publicly express the thanks of the society to the citizens of the Territory of Utah for their very generous patronage of the Territorial Fair of 1891, and in a special manner extend thanks to the awarding committees for their arduous and impartial labors performed without compensation, to the donors of special premiums for their public spirit and encouragement in a worthy cause; to the committee on governor of Utah, for continuance and support in the course and city council of Salt Lake City for valued favors; to the Salt Lake Chamber of Commerce and Stock Exchange for energetic and valuable assistance in the awarding exhibits to Judge Barnes, Gen. R. Eldredge and others for their efficient services to Prof. Sutters, not only for his own important and discriminating services, but for the excellent and interesting exhibit from the Logan Agricultural College, and for, but not least, to the press of the Territory for their valuable help, columns of space, generous treatment and intelligent advancing of the fair."

The Opportunity That the Colleges Lost.

In the early decades of the present century the predominance of classical studies was not indeed omnipotent. But conditions were changing. James Watt and succeeding inventors had inaugurated a revolution in industry now complete, it was demonstrated, that all served in politics by their contemporaries. Thousands of men were to be replaced by machinery, new industries were to be created, nations to be brought closer together, the conditions of existence to be ameliorated—all by men commonly or unconsciously studying applying science.

Nowhere were these changes to spare more powerfully than in the United States. What would be the effect on our education? Would the colleges realize their opportunity and by encouraging to the great improvement art, glorify and strengthen their right to the intellectual leadership of the nation? Had they previously occupied themselves more with things and less with terms they might conceivably have taken the tide at the flood. Being what they were, they could not.—Professor H. W. Tyler in Forum.

"Doing" Palestine.

A woman who has been to Europe says an opportunity is never lost to give the inclusive flight of the "tour-ist." She heard a story of two young men doing Palestine. They drove to the pool of Bethesda. They descended from the carriage. "This," said the guide, "is the pool of Bethesda."

"Ah," commented one of them, "pool of Bethesda. Chalk it down, Gus, we've seen the pool of Bethesda. By the way, guide," as he turned and dived into the carriage, "who was Bethesda?"—New York Times.

Heavy Rainfalls.

In England the discharge of water in sheets from the clouds is not unknown, though much more seldom seen than on the Continent. During a storm at Genoa one June some twenty-two years ago three inches of rain fell in less than an hour. Many of the newspapers were burst, the streets converted into glens, and in the suburbs eighty-seven houses totally destroyed. This was mild, however, compared with the forty inches which fell in Genoa within twenty-four hours, or the twenty-nine inches which flooded Joyeuse, in France, within twenty-four hours. On the other hand, we lose of Ambukol, in Nubia, where rain fell only five times in the years 1823 and 1824, and of Tafta, on the Indus, which had not a drop for three years.—London Tit-Bits.

Up There.

The patient joke of the doctors will never, never go out of use.

A young Detroit physician who opened an office a year or so ago, was up in the northern part of the state on a fishing trip. One day a young lady, who had watched him for an hour or more sailing for a bite, laid down her book and softly crept up near him.

"What lots of patience you have," she said to him in a little whisper that the fish couldn't catch.

"Yes," he answered promptly and with a tinge of sadness, "up here."

She didn't understand for a minute, and when she did she flirted slowly back to her book.—Detroit Free Press.

Do Their Duties.

A painter in this city, who used to devote himself largely to moonlights, received an order for one from a firm of local dealers. They said, "You can be have it in the morning don't you?"

"In the morning?" gasped the painter. "Why, it's afternoon already."

"True, but you can paint it tonight, you know."

"I can't paint by gaslight."

"Well, excuse me, but I thought you had got those moonlights by this time so you could do them with your eyes shut."—Brooklyn Eagle.

Rio Grande Western Railway.
STANDARD GAUGE.
CURRENT TIME TABLE.
In Effect Saturday, August 1, 1891.

Eastbound Trains.	No. 6.	No. 2.	No. 4.
Lv Ogden		7 00 a m	4 45 p m
Ar Salt Lake		10 45 "	8 35 "
Lv Salt Lake		10 55 "	8 45 "
Ar Provo		12 45 p m	10 45 "
Lv Provo		12 55 "	10 55 "
Ar Spanish Fork		1 15 "	11 15 "
Ar Thistle		3 40 "	2 40 a m
Ar Moab		3 30 a m	
Ar Dolores		8 00 "	
Ar Gunnison		7 00 p m	
Ar Green River		4 45 a m	1 00 p m
Lv Green River		4 50 "	1 05 "
Ar Grand Junction		10 40 "	7 05 "
Ar Ironton		1 40 p m	10 05 p m
Ar Leadville		5 40 "	2 05 a m
Ar Glenwood		8 15 "	4 40 "
Ar Grand Junction		12 05 a m	8 15 p m
Lv Grand Junction		12 10 "	8 20 "
Ar Ouray		8 00 "	4 20 a m
Ar Silverton		9 00 "	5 20 "
Ar Rico		1 00 p m	10 00 "
Ar Ashton		5 00 "	2 00 p m
Ar Lake City		6 00 "	3 00 "
Ar Gunnison		7 00 "	4 00 "
Ar Pueblo		4 00 a m	1 00 a m
Ar Denver		8 00 "	5 00 "
Ar Colorado Springs		9 00 "	6 00 "
Ar Pueblo		10 00 "	7 00 "
Ar Salt Lake	7 00 a m		4 45 p m
Ar Ogden	10 45 "		8 35 "
Ar Cheyenne	6 45 p m		7 00 a m
Ar Denver	7 30 "		8 00 "

Westbound Trains.	No. 5.	No. 1.	No. 3.
Lv Denver		8 00 a m	7 30 p m
Lv Colo Springs		9 00 "	8 30 "
Lv Pueblo		10 00 "	9 30 "
Lv Leadville		3 30 p m	2 00 a m
Lv Glenwood		6 00 "	4 30 "
Lv Grand Junction		10 30 "	9 00 p m
Lv Ouray		4 00 a m	2 30 p m
Lv Silverton		5 00 "	3 30 "
Lv Rico		9 00 "	7 30 "
Lv Ashton		1 00 p m	11 30 a m
Lv Lake City		2 00 "	12 30 p m
Lv Gunnison		3 00 "	1 30 "
Lv Pueblo		11 00 a m	9 00 a m
Lv Denver		4 00 p m	2 00 p m
Lv Colo Springs		5 00 "	3 00 "
Lv Pueblo		6 00 "	4 00 "
Lv Salt Lake	8 00 a m		4 45 p m
Lv Ogden	11 00 "		8 35 "
Lv Cheyenne	6 00 p m		7 00 a m
Lv Denver	7 00 "		8 00 "

LOCAL SERVICE.
SUNDAYS.
Leave Salt Lake 9 00 a m, returning arrives Salt Lake 5 00 p m.
D. C. DODGE, A. G. P. A. Denver.
J. A. MACKINTOSH, Gen. Manager. Salt Lake City, Utah.

Utah Central Railway
TIME TABLE.
In Effect April 1st, 1891.
Passenger Trains will Run Daily, between Salt Lake and Park City, as Follows:

SALT LAKE CITY.

Trains	Depart	Arrive
Trains leave Salt Lake & Main Sts. as follows:		
"	7 00 a m	8 00 a m
"	10 00 "	11 00 "
"	2 00 p m	3 00 p m
"	5 00 "	6 00 p m

PARK CITY.

Trains	Depart	Arrive
Trains leave Park City	8 30 a m	9 30 a m
" " "	11 30 "	12 30 p m
" " "	3 30 p m	4 30 "
" " "	6 30 "	7 30 p m

Office Salt Lake Transfer 165 South Main and Main Streets.
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