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. 16. MONDAY, DECEMBER 10, 1894. SALT LAKE CITY, UTAH. VOL. XXVIII.

AGAIN IN JAIL.

Chief Pratt and His Two Officers Committed

FOR THE SECOND TIME.

Now a Charge is Preferred Against a Grand Juror.

JUDGE JUDD IS WRATHFUL.

He Cannot Believe That Any Member of the Grand Jury Has Violated His Oath.

The curtain rang up on another scene in the Pratt contempt case this morning, and when it fell upon the denouement Chief Pratt and his two deputies, Sheets and Ferguson, were once more in the custody of the U. S. marshal, awaiting re-consignment to the penitentiary at the marshal's pleasure.

It had become pretty generally known that the three defendants were to appear before the grand jury at 10 o'clock, and they were ready when wanted. The old questions were once more submitted to them; still they positively refused to answer; the grand jury reported this fact in writing to the court, and the court, by due process of law, has sent them to prison for contempt.

It was about 11:30 when the grand jury accompanied by District Attorney Judd, filed into the courtroom, followed by an immense crowd, and when they had taken their places Judge Bartch, who was occupied with the hearing of a criminal case, broke suddenly off and asked the grand jurors whether they had any report to make.

Foreman Hill answered affirmatively and read the following:

The grand jury of this court having under investigation the case of the United States of America vs Richard Roe and Mary Doe, whose other or true names are to the grand jury unknown, charged with the crime of adultery, have asked Arthur Pratt, a witness duly summoned and sworn before said jury, to testify in said case the following questions, numbered one to six, inclusive, and he declines to answer questions five and six, respectively, which are as follows:

"No. 5—State to the grand jury the name of the woman who was arrested?

"No. 6—State to the grand jury the name of the man who was arrested?"

The grand jury have also had before them two other witnesses, George A. Sheets and Fergus Ferguson, duly summoned and sworn to testify in said case, who state on oath to the jury that they know the names of the man and woman who were arrested by them, but they decline to answer to the grand jury questions Nos. 5 and 6, or to in any manner disclose to said grand jury the true names of the parties charged with adultery as aforesaid.

HARRY C. HILL,
Foreman Grand Jury.

QUESTIONS AND ANSWERS.

Q. You have been chief of police in Salt Lake City since January, 1894?
A. I have and I am now.
Q. Look at this article in the Salt Lake Tribune of date November 4, 1894, and state to the grand jury whether the article so far as it refers to the arrest of a man and a woman is correct.
A. I believe that it is to the best of my knowledge.
Q. Did Detectives Sheets and Ferguson arrest a man and a woman in a cab about the time mentioned in the article and bring them before you as chief of police.
A. They did.
Q. Do you know the names of the man and the woman who were arrested at that time?
A. I believe I do.
Q. State to the grand jury the name of the woman who was arrested.
A. I decline to answer.
Q. State to the grand jury the name of the man who was arrested.
A. I decline to answer.

The foreman then further informed the court that Arthur Pratt, by the advice of his attorney, while in the grand jury room had demanded to know what vote the grand jury had taken upon this matter.

District Attorney Judd—May it please your honor, this is a case arising under the United States laws and this court is now sitting in this matter exercising the jurisdiction of the circuit and district courts of the United States under the organic act, in administering the laws of the general government.

Counsel then read section 725 of the Revised Statutes of the United States, regulating contempt proceedings. The discretion of the court here is to fine and imprison. If these parties refuse now, after the demand of your honor, to answer these questions before the grand jury, there is nothing left for you to do but to put upon them such specific fine and such specific imprisonment as, in your discretion, will be a sufficient punishment for their contempt.

Judge Bartch carefully explained to Chief Pratt the then condition of things and then asked: "Do you still refuse to answer these questions?"

Chief Pratt inquired whether he might be heard. He would like, he said, to show the court that he had what he considered to be good and sufficient reasons why he should not answer.

Judge Bartch said he would hear what the defendant had to say, if anything, why he should not be punished for contempt.

"I have something to say, your honor," replied Mr. Pratt. "I wish to say that this case is not a new one to you, and it is certainly one of the most disagreeable positions I was ever placed in in my life as a public officer, to have to assume the position that I now do—unwillingly you might say. In this case, when we were first called before the grand jury it was stated to us that we were not required to answer these questions—that this question was found upon the grand jury when they did not wish to hear it. This is stated to me by the foreman. We gave in this matter and myself and brother officers make a complete statement from beginning to end of the circumstances of this arrest—if you might so call it. I did not deem it an arrest. I should have been afraid of damages if we had locked up the parties on the testimony that we had. They have every particle of testimony that these officers can furnish them with up to the point of concealing the names, and I have said to them, 'Gentlemen, you know that it would be absolutely ridiculous to indict as far as you have got. Do you think it possible that you could indict?' I want to say to your honor that the honorable United States district attorney has been pushing this case for some reason that I cannot tell. He has assumed the responsibility of it from the beginning. I wish to state to your honor that a short time ago there was a very flagrant case of the violation of the territorial statutes in which we made an arrest—namely, this man Tyre, and that was failed to be prosecuted. Now I wish to say this—

Judge Bartch reminded the defendant that he had now nothing to do with that matter.

Chief Pratt—I don't want to get outside the question. From the bottom of my heart I do not feel in contempt. I do nothing but honor and revere this court. In some instances we have referred cases to the mayor of this city and acted on his advice—there is no other source we can go to when the grand jury is not in session—and after taking the facts into consideration, knowing what the result would be, nothing further has been heard of it. These parties are not wealthy; these parties are not, as has been assumed by the public, wealthy parties. It simply means after giving my word of honor to this lady and doing it because I believe it was right in my conscience to do so, that I would be the responsible party for the ruination of that woman and her children. It was not that I had any idea of concealing anything from the grand jury. If I knew the grand jury could indict in this case it might make some difference, but it is a matter of principle with me. It is said that this is a secret body, and what transpires in the grand jury room would go no farther. I want to furnish you with names of witnesses to prove that this is not a secret body, and I demand now, in behalf of myself and brother officers, that this be investigated.

Judge Judd (hotly)—I protest against allowing this man to make this attack upon the grand jury.

Chief Pratt—I beg your pardon—simply upon one member of that body. I wish to state further that there are other peculiar circumstances in this case whereby it would be disgraceful and dishonorable for me to go ahead and answer what they seem to think upon. I realize your honor's position, and I do not ask for any mercy in this business. I am willing to bow to the mandate of this court, and am very sorry to have to take the position I do. I do it regretfully, but I must say that I cannot help it.

Foreman Hill said he was instructed by the grand jury to say to the court that the prosecuting attorney did not push the case, and he was not present when the investigation began.

Judge Bartch remarked that it was not for the court to question the motives of the grand jury. There was but one way in which their work could be questioned if they had failed to do their duty, and that was by a subsequent grand jury. So far as the court was concerned it had no power whatever to inquire into any faults or failings of the grand jury.

Chief Pratt said that before the court pronounced judgment he would like to consult with his attorney, Judge Powers, who was not then present in court.

The judge assented and Judge Powers was sent for.

Chief Pratt here observed that for the first time in his life, at the age of past forty, he had been placed in a position of this kind. He had been an officer of this court for twenty years past, and had always respected its orders.

Judge Bartch—I have never for one moment considered that it was a personal contempt or anything of that kind; at the same time it is a question of law involved.

Judge Powers having arrived, the court informed counsel that he might consult with the defendant for a few moments.

Presently Judge Powers said—I desire to urge the point whether the question asked is a material one, and whether it is a question concerning such subject matter as would in the judgment of the court be legal evidence?

Judge Bartch replied that the report from the grand jury was that they were investigating a United States case. He had also reached the conclusion that the question was material.

Judge Powers said he desired to make objection to the passing of judgment, on the grounds that the question was not material, and further that it was a privileged question.

Judge Bartch inquired whether the witness still refused to answer the questions put to him, and, having received an affirmative response, he said: "The order of the court is that you be committed until you have answered before the grand jury, or until the further pleasure of this court."

The defendants Sheets and Ferguson both said they declined to answer the questions, and Ferguson added: "I have been instructed by a member of this grand jury not to answer these questions, and he said: 'Ferguson, I will stand at your back,'" and he has. In the same breath he commits the same Ferguson to go into court for contempt.

Judge Bartch—Have you anything to say to that, Judge Judd?

The District Attorney—No, sir, I cannot believe it of that grand jury; they are all honorable men.

Judge Bartch then made the same order of commitment as in the case of Chief Pratt.

Judge Powers then said—The chief of police is ready to inform the court at any time of the names of witnesses who would report that they had learned of what has transpired in the grand jury room and further prepared to support the statement made by Ferguson, not only charging one grand juror.

Judge Judd—I wish the gentleman would give me the names of the witnesses who will state that they have conferred with grand jurors about this matter. Then your honor will have another job, certain.

Judge Bartch—You may confer together on that.

Judge Judd—Yes, sir, I want 'em.

Foreman Hill—I am directed by the grand jury to demand that those witnesses be brought before us.

Judge Judd—We will ask that Mr. Pratt be brought before the grand jury and give us the names.

Judge Bartch—As I have already stated, counsel will confer together.

Chief Pratt and Officers Sheets and Ferguson being required as witnesses in a criminal case then being investigated in Judge Bartch's division, remained in court. After giving their testimony, they were to be returned to the penitentiary.

THE CASE OF GEORGE C. TYRE.

District Attorney Judd wishes it to be understood that in the case of George C. Tyre, the defaulting bank cashier of this city (formerly employed at Walker's bank), referred to by Chief Pratt when before the court this morning, an indictment was found by the present grand jury, and returned to open court, on October 20th. Upon that a warrant for his arrest was issued and is now in force.

Insinuations Denied.

Chief Pratt, as he paced the corridor leading to the grand jury room this morning, made the following statement in connection with a phase of the case which has, he says, done him a great injustice: "I just want to call the attention of the public to something the public doesn't know. It has been charged that I gave to the press for publication the information of that lamentable affair. The statement is untrue. The press could have obtained particulars from another source and indeed did so. As to the insinuation that there would have been no effort to hush the matter up had it not been that the woman in the case was a society lady and had money, or that her husband had, I wish to brand that as slanderous and untrue. The parties are not wealthy. Even had they been, it would have made no difference with me."

As to the claim made by the chief that he did not give the information to the press for publication, the truth is, as admitted by him, that he related the circumstances of the case in the presence of a newspaperman, as he thought, under the cover of confidence, but this understanding was, unfortunately, not mutually entertained.

The County Court.

There was some general business transacted at this morning's session of the county court, but nothing of public interest came up. The board is in session again, however, this afternoon.

Select Social Party.

The Philosophical society of the Brigham Young Academy at Provo extend a cordial invitation to the editor of the NEWS to attend a "students' select party" in the Provo Opera house, on Friday evening next. It is expected that it will be a very fine affair.

Suit on a Note.

N. C. Doherty this afternoon filed a suit in the Third district court against James M. Martin to recover on a promissory note for $5,000, interest and costs, with $250 attorney's fee. The note is secured by a mortgage.

THE RUSSIAN EMPEROR.

SOME INFORMATION ABOUT HIS TITLE AND THE TITLES BORNE BY HIS FAMILY.

(London Daily News.)

Dr. Wilhelm Koener, professor at the Royal Academy of War in Berlin, writes to us: "In your paper I find a short article about the title of the Russian emperor. As this question seems to interest the British public, allow me, who am one of the few specialists of Russian language in Germany, to give a few authentic statements on the subject. The word 'tsar' (or true it should be spelled and be pronounced, with a slight addition of the consonant 'y' behind 'r') is derived from the Latin 'caesar,' having one common source with the German word 'Kaiser.' It is the old Russian, or even Slavic, term for king, but has, in this meaning, been superseded by the word 'korol' (pronounced 'karol'), which draws its origin from Karl, viz, Charles the Great. The Hungarian word 'kiraly,' meaning king, has the same origin.

"'Tsar' now means in Russian (1) a king of ancient history—Xerxes, Lycurgus, Pharaoh, etc.; (2) a king of fable, fairy tale, etc.; (3) some of the dispossessed Russo-Asiatic princes; (4) a rather colloquial expression for the Russian Emperor. His consort is called 'Tsaritsa;' a son of his, in the same popular language 'tsarewich;' a daughter, 'tsarewna.' But the official words are 'Imperator,' Emperor; 'Imperatritsa,' Empress; their children are called 'Weliki Knyas' (meaning Great Prince), and Welikaja Knyajna' (Great Princess). When Peter the Great returned to his new capital in triumph, after defeating Charles the Twelfth of Sweden, he was hailed by the Metropolite with the title of Imperator; since that time the word 'tsar,' till then the only name denoting the rulers of Russia, is no longer the official title. In some congress (if I am not mistaken, it was that of Vienna) it had been expressly stipulated that though the Russian sovereigns had the imperial title, they were not to have the precedence of the kings of Western Europe.

PROCEEDINGS STAYED.

In the Case of Captain Morrison of Fort Douglas.

DENVER, Colo., Dec. 10.—General McCook has stayed proceedings in the case of Captain M. W. Morrison, court martialed. Court was to have convened today at Fort Douglas.

A SHOOTING LAWYER

Attorney Jackson Tries to Kill His Law Partner.

A SANGUINARY ENCOUNTER.

Attorney Ferguson Gets His Ear Bitten Off, and Both He and Jackson are Otherwise Injured.

The law office of Ferguson, Frew & Jackson, in the Scott-Auerbach building, was the scene, this morning, of a desperate scrapping match, such as lawyers seldom engage in. As a result, Attorney Tom Ferguson is under the surgeon's care, and Attorney Gerald F. F. Jackson is in the city jail.

Both Ferguson and Jackson are members of the same legal firm, of which Mr. Frew is the third partner. There has been some dissatisfaction and a dissolution of the partnership was being arranged. The disagreements connected therewith were the cause of the row, though to just what manner the squabble developed into a fight the chief contestants, Ferguson and Jackson, refuse to state.

Jackson's story, as told to the officers, is to the effect that a telegram to him was received at the office, and was opened; that he went to see about it and a quarrel ensued, in which Ferguson was getting the best of him, and "pounding the life out of him;" that when Ferguson had him on the floor he drew his pistol in self-defense and fired at Ferguson's face, and that then the lively part of the row ended, and the surgeon and the officers were called in.

Mr. Frew says the telegram was not opened, but came to the office, and Mr. Babbitt, a friend of Jackson's, was taking possession of it. Mr. Frew objected and said he would send it to Jackson at the Menlo. In taking the telegram from Babbitt a corner of the envelope was torn off, but the telegram was untouched. In this condition it was sent to Jackson's room at the hotel.

Shortly afterward—about 10:30 a. m. today—Jackson and Babbitt came to the office. The former demanded some letters from Mr. Frew. The latter refused to give them until Jackson relinquished some of the firm letters which he had, and made some explanations regarding certain erasures of figures on the firm books, alleged to have been made by Jackson while Ferguson and Frew were absent.

At this point Jackson and Babbitt wanted to go in and see Ferguson, who was in the inner room. Frew objected to Babbitt, for he had heard that a man named Middlemiss and Jackson had purchased a gun for Babbitt to kill Ferguson with. Babbitt is from California, and is said to be one of a syndicate whose gold mines [illegible] to the Mercur company. He and Frew remained in the outer office while Jackson went in to Ferguson.

In a few minutes the two lawyers in the inner room were indulging in high words, then blows could be heard. Frew threw open the door, and on the floor were the combatants, in rough and tumble fight. Jackson was underneath, and Ferguson was striking him in the face with his fist. Just as the door opened, Jackson drew his pistol, an imitation Smith & Wesson 38-caliber, and fired in Ferguson's face. The latter jumped up and ran from the room, shouting to his antagonist not to shoot. Jackson followed him to the outer office, when there was a cessation of hostilities.

In the melee Jackson had got a rather badly bruised face, but Ferguson, though the larger of the two, was the most roughly handled. This had been accomplished with Jackson's teeth, for that attorney seems to be about as handy with his molars as a high class bulldog in full training. He had made an ugly scalp wound above Ferguson's left eye, and had actually bitten a piece of his right ear, nearly the size of a silver half dollar, right out. The amputated portion of cartilage and muscle fell to the floor, and was stepped upon. When Dr. Fred Stauffer came in he performed one of the cleverest pieces of surgical work on record. He took the piece of ear, placed it back in position, and stitched it so accurately and firmly that in a short time afterward circulation actually had been restored in the amputated section, and there is every promise that in time it will be as much a part of Ferguson's aural appendage as though it never had been removed by Jackson's teeth.

The effects of the pistol shot on Ferguson were not serious, though it was a very close call from instant death. The muzzle of the pistol was deflected by a very slight distance, and the bullet instead of plowing into Ferguson's nose barely missed that organ. It came from left to right, and so close was the weapon that the attorney's nose and right cheek are heavily powder-marked, but that is all. He will be able to beat the scrutiny of his friends in a few days, except as to the scalp wound and injured ear.

Jackson was at once taken to the city jail, and given quarters under Col. Kimball's charge. He was very much exhausted by the fight, as well as excited. He got a couple of blows in the eye, and his face shows signs of being in violent contact with Ferguson's fist. None of his injuries, however, are serious. He says he shot in self-defense, for his assailant would have beaten him to death. He also says that one time he thought Ferguson was going to shoot.

The affair caused a good deal of excitement, because of many wild rumors that got afloat, but even the chief combatants are now thankful that matters did not end in worse shape than they are.

Jackson spent several hours today in the woman's ward of the city jail. To the newspapermen who visited him there he refused to say anything bearing on the shooting, preferring to maintain a discreet silence. His friends declare that he will have plenty to say when he comes to plead his own cause before the court which it is intimated he will do through the ablest criminal case attorneys which his money can command.

At 3 o'clock this afternoon Jackson was taken before Justice Smith and arraigned on a charge of assault with intent to commit murder. On his appearance before the bar the following colloquy occurred:

The prisoner—I desire not to plead to the charge until the counsel I employ has seen the complaint. I have read it myself but I wish my attorneys to do the same thing.

The Court—I presume there will be no objection to that, Mr. Eichnor?

Attorney Eichnor—No, sir; that will be entirely agreeable to the prosecution. But in this connection I ask that Mr. Jackson be transferred to the county jail.

The Court—The order will be made.

Attorney Eichnor—I would like to have the amount of the bond fixed and suggest that it be made $1,500.

The court named that amount as a sufficient guarantee and set Wednesday morning next at 10 o'clock as the time for the prisoner to plead. He was then turned over to the custody of Sheriff McQueen, and all his personal effects were returned to him with the exception of the revolver with which he did the shooting.

A PERILOUS VOYAGE.

The Atlantic Was Tempestuous—Oil on the Waters.

Editor Deseret News:

The company of Elders and Saints which left Glasgow on November 15th and reached Ogden on Tuesday morning, the 4th inst., in charge of Elder George D. Merkley, had a somewhat eventful voyage across the Atlantic. Head winds and a heavy sea in consequence, prevailed during the passage. In midocean the waves ran mountains high. On Wednesday, November 21st, a tremendous wave broke over the bows and crushed the iron lookout bridge on the port side, twisting and breaking iron supports and braces from 3 to 4½ inches in diameter. The man had just left the bridge, or he would undoubtedly have been killed. Other damage was also done to the ship by the waves, and oil was poured upon the waters to enable the seamen to make the necessary repairs, which was done during the night. The watchman ceased to give the welcome note of "All's well," but we felt the influence of a spirit which whispered the same words and which brought peace and trust in the overruling hand of Him who controls the elements. We were fifteen days upon the water. The captain said he had never before witnessed such continuous strong head winds and heavy seas. The officers and crew were well disciplined and were respectful and courteous to the passengers. Our overland journey was very pleasant. First class cars were placed at our disposal and throughout the railway officials manifested an earnest regard for our comfort and convenience.

Respectfully,
T. MINSON.

PARIS, Idaho, Dec. 8.

"OCCUPATION, THIEF."

A Fellow Who Steals Because He Says He Can't Help It.

A confessed kleptomaniac and vagrant in the person of a young fellow named George Eldredge, was run down today by mounted Policeman Heath, from whom he had stolen a big string of ducks, a camping quilt and a number of other articles.

In answer to questions by Desk Sergeant Mackintosh, he said that he was 22 years of age and a thief by occupation. The latter statement was readily believed as he has been arrested many times for petty offenses and in every case in which he has been implicated he has plead guilty. Last week he plead guilty to vagrancy and was given until Saturday to get out of town. In explanation of his failure to leave he said he would rather steal than travel and acting on this inclination plundered a policeman.

When taken before the court he made a "clean breast" of his wrongdoing and was sentenced to twenty-five days' imprisonment for petit larceny and to thirty days for vagrancy, making a total of fifty-five days in all.

AMUSEMENTS.

A DRESS REHEARSAL.—The clever little burletta of a Dress Rehearsal by the Young Ladies' Aid society is a success from first to last, and nothing but praise can be uttered for it. It is an amusing and bright little one-act operetta of the English holiday pantomimic order, and Mr. Krouse and Miss Martha Royle, by injecting various new musical numbers into it, (one a very taking duet of the latter's own composition), have made it a twofold affair that makes up a most agreeable evening's entertainment. About twenty well known and talented young ladies made up the cast, and it should be said at the beginning that a great part of the sparkle and verve imparted to the whole is due to the excellent manner in which the whole ensemble acted, chorus as well as principals. Everything was movement, action, bustle and brightness. Mrs. McNally, the Cinderella, Mrs. Woodrow, the prince, and Miss Royle, the Mrs. Jarvey, are probably entitled to first mention. Mrs. McNally acts and sings like a professional. Mrs. Woodrow's acting shows vast improvement since her last appearance, and her music was admirably rendered. Miss Royle has the true comedy instinct and her part was made to "stand right out." Miss Phillips made a pretty godmother; a little more movement in her two songs would add to their effect. Miss Young and Miss Levy were excellent spiteful sisters; Miss Levy is the possessor of a fine voice, and if she could have had a better chance to show it, the musical part of the opera would have been heightened, good as it was. Miss Fisher's French maid was very taking. Miss Kimball's school mistress was well conceived, but was better acted than sung. Miss Steppel's spinster thoroughly well conceived and acted; Miss Hoge, Miss Alli and Miss Colton made the most of their varying roles, and the two little misses who appeared were also very clever. Mr. Krouse presided over the orchestra; Miss Turner "coached" the ladies in the very pretty dance that ends the first act; Mr. Whitney had charge of the stage.

The second performance takes place tonight. The Lyceum was fairly filled on the first production Saturday afternoon. It will be crowded tonight.

Business in the South.

Andrew Kimball, who returned from a trip south on Saturday evening, reports having found great improvement in business affairs. This is especially the case in Utah county, as the immediate result of the sugar factory payments. In general, throughout the Territory, there is a better condition in business than for some time past. Considerable interest is manifest in the home industry proposition, and is sure to result in good. At Manti, where carloads of Iowa products have been imported, especially for the sheep trade, none of any consequence has been brought in this year. One of the leading merchants said he had not placed an order for a single pound this season and did not intend to. With regard to other products there is a vast improvement. Through patronage and local competition the home soap companies are almost controlling this market. Mr. Kimball says that one of the most unhappy specimens of traveling salesmen was an eastern soap representative, who could scarcely sell a box now where he used to place carloads. He also reports that the cracker factories are behind with their orders, having such a splendid trade.

AN EXTRAORDINARY CASE.

The Human Liver Grows to Weigh One-Fourth of the Body.

Great Sufferings Endured by Mrs. Ann Judd of Grantsville—The Operation and Her Death.

GRANTSVILLE, Utah, Dec. 5, 1894.—Mrs. Ann Judd, aged 54 years, mother of six children and wife of the lamented Riley Judd, died at her home today at 2 o'clock, after a most skillful operation, which proved the cause of her great suffering and final death to be an enormous overgrowth of the liver. Her liver, which was one-fourth of her whole weight, had so enlarged that the right lobe had crowded its way into the right cavity of the lungs, while the left lobe, extending as high as the left nipple, was pressing hard against the heart.

Mrs. Judd, who was blessed with an unusually happy and pleasant disposition, had enjoyed extraordinarily good health up to two years ago, when she began to fail. With an enormous appetite which she could not account for, her flesh continued to go down while an enlargement on the left side of the abdomen continued as the body declined. Both decline in body and enlargement in abdomen increased rapidly during the last two months, causing great discomfort; and on the advice of her friends and the request of her sons, she sought medical advice of Dr. Benedict and others, who agreed that it was probably an overgrowth of the left ovary, commonly known as an "ovary tumor." On Monday last Dr. Benedict, accompanied by Drs. Daby, McAlister and Jennings, came to Mrs. Judd at Grantsville, and after a careful examination decided to perform an operation as her only relief. Accordingly an incision ten inches long was made in the abdominal wall, developing the fact that the trouble was an unusual liver. Recognizing this, the cut was closed and the patient dressed to await results. At 7 this morning she began to fail and continued until her death at 2 p. m.

As your correspondent arrived, Dr. Benedict had just completed removing the liver, which he will take with him to the city for examination and consultation. Its weight is 2½ pounds and but for its form it could not be recognized. The surgeon declared it a most unique and unusual case and to him is unknown in the history of the profession. It is a marvel to all that the sufferer survived as long as she did. She was cheerful and hopeful to the last, joining with the doctor before and after the operation.

She is deeply mourned by a host of friends and relatives, in fact the whole community join the family in their deep bereavement.

The case will come up for discussion before the Salt Lake Medical Institute in the near future.

P. P. CHRISTENSEN.

Died at the Hospital.

The death of Walter Irwin Schmidt, of Park City, occurred at the Holy Cross hospital yesterday (Sunday) morning after a brief and painful illness. Pneumonia was the cause of his trouble and on Monday, one week ago, his condition became critical and he was brought to Salt Lake with a view to getting better treatment but unfortunately other unfavorable conditions arose and his death followed. The deceased was formerly a resident of this city and was born here October 16th, 1871. He leaves a wife and two children to mourn his early departure from this life.

The following has been handed in with a request for its publication; it would seem to give incorrectly the place of holding the funeral services judging from an obituary notice in another part of this paper:

Dr. W. L. Smith, a prominent member of the Foresters in Park City, died Sunday evening of pneumonia, in this city. Funeral will take place on Tuesday, at 1 p.m., from 339 S. Second East street. All Foresters of Salt Lake City and adjoining Foresters are respectfully requested to attend the funeral of the deceased brother, as he was a staunch and true Forester, whose demise is much regretted.

By order of D. H. C. Ranger,
WM. A. ROBINSON.

THE DISTRICT COURT.

A Charge of Burglary Investigated in Judge Bartch's Court.

OTHER CRIMINAL MATTERS.

Action For Damages ($10,000) Against Ex-Chief of Police Paul and Ex-Officer Miner.

In Judge Bartch's court today criminal business has again held sway. Chief Justice Merritt has been occupied with civil jury cases.

LENA CARTER.

On motion of Assistant District Attorney Howat, the case of Lena Carter, under indictment for fornication, was continued for the term. Counsel stated that there were two indictments, and in one of these the co-defendant had been already tried and acquitted. If he was not guilty, the prosecuting attorney presumed that neither was Miss Carter. He asked that she be released on her own recognizance and the court made an order to that effect. The defendant is a daughter of "General" Carter of Industrial army renown.

SAMUEL GILES.

The case of Samuel Giles, under indictment for grand larceny, was called for trial, but it was stated that the defendant is still very sick in the county jail, and likely to die. For this reason, on motion of Assistant District Attorney Howat, the case was continued for the term and Giles was ordered to be released on his own recognizance.

CHARGE OF BURGLARY.

James Brooks was next placed on trial on a charge of burglariously entering the dwellinghouse of Harry G. Nesbitt on the night of June 15th, 1894, with intent to steal. A young man named Harry Lawson had been jointly indicted with Brooks, and he plead guilty and is now serving his sentence in the penitentiary.

Assistant District Attorney Howat prosecuted; Attorney H. A. Smith defended.

The prosecutor resides at 45 G street, near the corner of First, and on the evening of the date above named, during the temporary absence of the inmates, the premises were forcibly entered. Ingress was obtained through the back door. A panel door to the hallway being locked, the burglars got a butcher knife from a table drawer in the kitchen and by means of this and a small saw managed to cut their way through. From one of the rooms they took the pair of bracelets and a piece of silk dress material which Mr. Nesbitt now identified as belonging to his sister. The two defendants were arrested next day by Detectives Sheets and Ferguson, in an upstairs room in a building near the warehouse of Geo. M. Scott & Co., on west Second South street. It was now stated that Brooks then admitted that he and his companion robbed the prosecutor's house, and one of the bracelets were found in his possession; that he also informed the officers where the balance of the stolen property was to be found.

Brooks took the witness stand, said he and Lawson were rooming together at the time in question and positively denied that he had any hand in the burglary. It was not he, but Lawson, who admitted to the officers that he himself did the job. Lawson gave him the piece of silk to sell, however, and he disposed of it. It was not true that the bracelet was found upon him; it was Lawson who had it.

The jury convicted the prisoner and sentence was set for December 11th.

ANOTHER BURGLARY CASE.

Jerome Smith is on trial this afternoon on a charge of burglary.

WILL PLEAD WEDNESDAY.

Nels Rasketsky was arraigned on a charge of adultery, and took until Wednesday, December 12th, to plead.

Before Judge Merritt.

The damage suit of George Moser vs Samuel Paul, ex-chief of the city police force, and J. W. Miner, an ex-officer, occupied all the time in Chief Justice Merritt's court this forenoon. It was tried before a jury. The amount claimed is $10,023, alleged to be due as damages sustained by plaintiff in consequence of the wrongful and illegal acts of the defendants.

It is set forth by Moser that on September 19, 1892, the defendants, maliciously and without probable cause, with force and violence, imprisoned him in the city jail for two days on an unfounded charge of disturbing the peace. Upon his being taken before Police Justice Kesler, he was acquitted. Plaintiff avers that this prosecution and the publication of the case in the local newspapers seriously injured his credit and reputation; that he was prevented from attending to his business for two days and incurred an expense of $25 in obtaining his discharge.

The defense was to the effect that the officer (Miner) arrested plaintiff for having created a great disturbance and used insulting and profane language when requested to move off the sidewalk on Second South street, between East and West Temple, when requested. It is denied that the arrest was malicious or without probable cause.

SHORT ORDERS.

In the case of Summit county vs A. B. Richardson et al, an order of dismissal, by consent and stipulation, has been entered.

Thos. S. Griffith vs J. M. Nelson et al. Judgment for plaintiff for $311.45 entered.

More Indictments.

The grand jury went before Judge Bartch this afternoon and reported having found ten indictments under the territorial statutes and one under the United States laws.