INDICTMENT WAS BAD

Charge of Conspiracy Against Hayken at at Falls to the Ground.

BLAMIRES HELD TO BE INSANE.

Supreme Court Decision in the Thiede Case—Wilson Gets Four Years —Other Business.

The brief note entered on the Third district court record this morning—"People vs Martin Hayken, Herman Baumberger, Joseph R. Morris and John F. Mason; demurrer hereinbefore submitted sustained"—tells an important story in connection with the prosecutions instituted by Salt Lake county regarding the city and county building furniture scandal. The four defendants named have several indictments against them, the particular one referred to charging them with conspiracy to defraud the county of a large sum of money to the tune of $1,000 contract. To this indictment the defendants interposed a demurrer, setting up that the indictment was invalid, first, because it was indefinite and uncertain, in that it alleged that the four defendants were members of the county at a certain time when in fact there could have been only three selectmen at that time; and second, because the offense if alleged, consistently, had been, according to the terms of the indictment, merged into the felony which was alleged to have been committed. Judge King held that both these grounds of demurrer were well taken, the indictment being faulty in the first case even if the conspiracy had not been carried out, and invalid as to any charge of conspiracy to commit an offense since the indictment stated that the offense was committed. This settles the indictment in question, thus giving the state time in the legal contest, to open court, to the defendants in the case.

Following the announcement of the decision in the county business, came the setting of the case of the United States vs. Belle Disser and Geo. C. Israel, adultery, for trial on Wednesday; also for the same day, two charges of robbery and one of assault to murder against James Reid.

The argument in the case of the Crescent Mining company vs. the Silver King Mining company, order to show cause why temporary injunction should not issue and why defendant should not be punished for contempt for ignoring the court's restraining order, and in the case of James Morgan vs the Crescent Mining company, a new suit with a similar purpose, were then made at length. This is a dispute between the parties as to the use of the waters of Shadow, or Thayne's lake, in Thayne's canyon, above Park City. The Crescent claims to have appropriated all the water of the lake, and both plaintiffs complain that the defendant company wrongfully crossed their lands with a pipe line to the lake. The Silver King company says that the Crescent has not appropriated all of the water of Shadow lake, but a part of said water has been appropriated by the Silver King company; that the only way to take it is across the plaintiffs' property, for which use defendant is willing to pay a reasonable sum and that if the temporary injunction is granted it will damage the Silver King to the amount of $1,500 per day. The pay roll of the Silver King per month is stated at over $22,000, the output of ore at over $1,000 a day, and the value of the hoisting works, etc., at $75,000. The defendant also alleges that the Crescent company is not using the water, for the reason that its works are shut down, and have been for some time. The case presents many difficult points, to which elaborate arguments on both sides were directed and patiently listened to by Judge King.

By the time for court to adjourn yesterday afternoon the investigation into the Blamires case had progressed so far that Judge Howat, who was prosecuting, came to the conclusion that no further evidence was necessary to show that the Kayseville murderer was insane and should be committed to the asylum for safe keeping. Mr. Howat communicated this view to the court, so the inquiry ceased and a verdict of insanity was rendered by the jury. Blamires was entered, by the court, to be committed to the asylum at Provo so long as his insanity continues. The indictment for murder still stands against him, and should he ever become sane he will have to meet it. At present, however, it appears quite probable that he will spend the remainder of his days in the asylum.

The case of Geo. W. Wilson, convicted of assault with intent to commit rape, came up this afternoon. Wilson was called for sentence, and his attorney, C. W. Morse, interposed a motion in arrest of judgment and for a new trial. He argued that the court had erred in its instructions to the jury, and that the evidence did not justify the verdict arrived at by the jury. Judge Howat took an opposite view, insisting that there were no errors in the court's charge, and that the jury's finding was fully justified. Judge King held that the objections of the defendant were not well taken, and overruled the motion. Wilson was then ordered to stand up, and in the court's inquiry as to to what he had to say, stated that he had no animosity to the prosecution and to the child Ross. He said some of his friends said it was the Mormons against him, but he did not think so, for the Mormon Herald has been more favorable to him than the Gentile Tribune. Wilson then told of his going to the Tabernacle, and of friends who had said he did not wish his friends to think the Mormons were against him.

At this point Mr. Hamilton, of defendant's counsel, interrupted him, calling the court's attention to his disconnected manner of talking. Mr. Hamilton said he had been surprised at the verdict, in view of the testimony. Wilson had been a decent man up to the time of this trouble, and counsel wished the court to take in this consideration and extend leniency.

Mr. Wilson was ordered to stand up again. The court referred to the defendant's former good character and his incoherent talk, which led to doubts of insanity. If were not for these facts, the court would give him the full penalty, ten years. In view of his former character and his doubtful sanity, the court would be lenient, and would order that he be imprisoned in the penitentiary for the period of four years.

Wilson was then taken out to the penitentiary.

THE THIEDE CASE.

The news that the United States Supreme court had passed upon the appeal of Charles Thiede, convicted of murdering his wife at Murray early in May, 1894, has not yet been received from official sources by U. S. Marshal Brisbane; nor has Thiede's counsel, Judge Cherry, received any word. All that is known of it here is the publication in the St. Louis Globe-Democrat that the court's opinion had been rendered by Justice Brewer, affirming the decision of the Utah courts. The publication referred to probably is authentic, and official confirmation is looked for in a few days. The news was conveyed to Thiede in the penitentiary yesterday afternoon, and failed to bring to him that comfort he has hoped for from that direction. He declares he is innocent, and says he knows who the murderer is, but has no proof. Therefore he has expressed great confidence that the higher court would hold the proceedings in the lower court to be irregular and invalid, although what he based that view upon did not appear to the public generally, unless it was that in this lay his only hope to avoid the death sentence, and as such he clung despairingly to it. The trial in the Third district court was carefully conducted, and an appeal to the Supreme court of the Territory the proceedings there were affirmed as being in strict conformity with the law. The chief point raised was that a juror was allowed to act as interpreter. The United States Supreme court now says the courts below were correct in their procedure, that Thiede's rights were properly guarded, and that his conviction of murder in the first degree was in due form and he must meet the penalty therefor.

The carrying out of the sentence will now come in regular order, and probably will take place early in the new year. The official papers in the case must be transmitted through the courts in due form before the Third district court can fix a new date for Thiede's execution. The only avenue now left for him to escape the death penalty is through the executive, if that power can be invoked in his favor.

NOTES.

The trial of ex-Policeman Frank McDermond has been set for Friday next.

Elijah Johnson has got a divorce from Olivia C. Johnson, on the grounds of desertion and failure to support her.

Esther Shirley began suit today against John L. Anskin and Clara Anskin, for foreclosure of mortgage on a note for $1,800.

The trial of Alex Redeker, accused of slapping Mrs. Margaret Garrison in the face, took place in U. S. Commissioner Sims's court this afternoon. The witnesses at the hearing were Willard Carter, who was a prominent figure in the courts some years ago.

TALKING TO THE JURY.

Concluding Arguments in the Indian "Wiu" Murder Case at Beaver, This Afternoon.

Special to the NEWS per Deseret Telegraph.

BEAVER, Utah, Nov. 19.—In the case of the People vs Halestead for the killing of Indian "Wiu" the conclusion of the testimony was heard in the court here last evening, and several legal bits occurred between Thurman and Baum. Judge Foster, associate counsel for the defendant, raised quite a legal point as to counsel or the prosecution examining witnesses as to defendant's general character and not permitting specific acts to be inquired into in relation to his reputation previous to the accident or homicide.

Last evening the court house was filled, and the bailiffs had to refuse admittance from 7:30 till 10 p.m. Judge Foster's argument in behalf of the defendant lasted for two hours and he was complimented by Thurman, McCarty, Denny and Christian this morning for his accurate recital of the testimony, and plausibility of his argument. Baum has occupied the forenoon in his address to the jury, and at 1:15 p.m. asked the court for thirty minutes more after dinner, in which to conclude his address. The Indian chiefs that have been here for several weeks left this morning. They have attended court early and late during the trial, and say they have heard enough to know of what has taken place in court that the "good captains" for the people, Thurman and McCarty, couldn't get Hagestead's character and his doings at Pangutsh Lake, before the shooting.

The trial jury comprises some of the best and oldest persons of Southern Utah; among the number are W. P. Jones, who helped to build the fort at Las Vegas in 1855. It is a matter of doubt as to whether the verdict will be guilty or not guilty.

Judge Farrich has manifested unusual care and patience in the trial. Thurman and Baum have been at swords points in several instances. At 2 p.m. Baum is in the middle of his argument and the general impression is that it will be a "hung jury" or verdict for the people. Foster and Baum are certain, they say, as to several points overruled on which to secure a new trial, in case of a verdict of guilty.

OGDEN.

OGDEN, UTAH, Nov. 19, 1895.

She Was Drugged, or Drunk.

Frankie Smith, a colored woman, arrived in Ogden on her way to San Francisco Sunday morning, having to remain until 5 p.m. While waiting around the depot she met Sam Lewis, an old Salt Lake acquaintance, and by him was invited up to Electric avenue to visit his "girl," which invitation was accepted. When they arrived at the Electric avenue house they found the "girl" away, two Italian porters drinking and having a fine time. The Smith woman joined with them. She now alleges that her liquor was drugged and that she became unconscious and was robbed of a diamond ring, diamond breastpin and other articles amounting to about $400. Sam Lewis and the girl, who gives her name as Miss Cook, were arrested. The case is set for Monday next at 10 a.m. The accused were placed under $200 bonds each.

House Burned.

At Wilson Lane the residence of W. G. Wilson was burned down between 4 and 5 o'clock Sunday morning, the family having left home on Saturday and stayed in Ogden all night, where word was brought to them that their home was burned, nothing being left but the rubes. The loss is about $1,500 partly insured.

SECOND DAY'S COUNT

Utah Commission Dealing With Salt Lake County Now.

THE "OTHER BOARD" ORGANIZES.

Hadley D. Johnson, Chairman, R. G. Whitney, Secretary—Will Begin Tomorrow—Open Sessions.

The Utah Commission met this morning and started on its second day's canvass of the votes cast at the last election, taking up the precincts in Salt Lake county outside of the city. The work done before recess at 12 o'clock, covered twelve out of the twenty-seven outside precincts, but no figures were available at that time. It is said, however, that so far as the judges' content goes, Le Grand Young, the Democratic candidate, is still holding his own as against E. D. R. Thompson, the Republican candidate.

When the canvass of this county has been completed, the other counties will be taken up in alphabetical order beginning with Beaver. The Commission fixed the rule for copying register lists in city precincts as follows: First copy $1.00 per folio; subsequent copies 99 cents; county precincts 50 cents. Judge Powers made a social call on the board this morning and after assuring himself that everything was all right, and wishing the canvassers success and a pleasant time of it, left them to push forward their arduous task. The board reconvened at 2 p. m.

MUNICIPAL AND COUNTY BOARD.

The board appointed to canvass the municipal and county returns, got together this morning and after qualifying, organized with Hadley D. Johnson chairman and R. G. Whitney secretary. They will commence on the city returns tomorrow morning and their sessions will be held with open doors.

The canvass for the Third judicial district candidates so far shows the following figures, making a loss of six votes in Tooele county and a gain of nine in Summit for Le Grande Young over Thompson as indicated by the unofficial count:

TOOELE COUNTY.

Hiles, D.	259
Howat, D.	256
Young, D.	259
Spencer, R.	256
Ferguson, R.	256
Thompson, R.	257

SUMMIT COUNTY.

Hiles, D.	1,051
Howat, D.	1,050
Young, D.	1,052
Spencer, R.	145
Ferguson, R.	143
Thompson, R.	143

AMUSEMENT NOTES.

Lincoln J. Carter's Tornado, which is to be presented at the Theater this evening, is said to be an elaborately staged melodrama. If precedents can be relied on there will be a tornado in the galleries as well as on the stage.

Hermann, the great, lectures theatrical managers who take out companies on the road without having any money to fall back on, and leave actors stranded. The famous conjurer cites several occasions when he has put his hand deep into his pocket to help stranded organizations to get home, which is, of course, very commendable, but in charity to unfortunate managers it should be remembered that they cannot catch silver dollars in the most unexpected places, nor count fifteen where there are but ten.

Hermann will entertain the people at the Theater on Friday and Saturday next, with a matinee on Saturday.

AT THE GRAND.

Fernclif, which is being continued for three nights of this week, was presented last night to a fair house. The characters were sustained with the usual excellence. This drama is one of the strongest that has been given by the stock company and again awakened keen interest. It was much appreciated by those in attendance.

The San Francisco Music and Drama speaks in terms of praise of Fannie Malatyre's work in the War of Wealth which is being played at the California Theater.

Fitzgerald Ousted.

The executive session of the fire and police board held last evening, developed the fact that Ed Fitzgerald, the suspended fireman, was found guilty of the first charge, viz: "That on or about the first day of October, 1895, the defendant was under the influence of liquor" and discharged from further service in the fire department, dating from the date of his suspension, October 9, 1895. The decision of the board in these cases is final.

New System Finished.

The Salt Lake Gas & Electric Light company has finished its splendid system of artificial illuminating works which is to be connected with the Big Cottonwood Power Dam system. The latter part of the enterprise is also being rapidly pushed towards completion.

THE SECRET OF A BEAUTIFUL SKIN IS FOUND IN CUTICURA SOAP

Sold throughout the world. British depots: F. Newbery & Sons, 1, King Edward-st., London. Russian depots: Ilf Ilf & Co., Moscow, Sarg. Prop., Russia. U. S. A.

CASTORIA

for Infants and Children.

THIRTY years' observation of Castoria with the patronage of millions of persons, permit us to speak of it without guessing.

It is unquestionably the best remedy for Infants and Children the world has ever known. It is harmless. Children like it. It gives them health. It will save their lives. In it Mothers have something which is absolutely safe and practically perfect as a child's medicine.

Castoria destroys Worms.
Castoria allays Feverishness.
Castoria prevents vomiting Sour Curd.
Castoria cures Diarrhœa and Wind Colic.
Castoria relieves Teething Troubles.
Castoria cures Constipation and Flatulency.

Castoria neutralizes the effects of carbonic acid gas or poisonous air.
Castoria does not contain morphine, opium, or other narcotic property.
Castoria assimilates the food, regulates the stomach and bowels, giving healthy and natural sleep.
Castoria is put up in one-size bottles only. It is not sold in bulk.
Don't allow any one to sell you anything else on the plea or promise that it is "just as good" and "will answer every purpose."
See that you get C-A-S-T-O-R-I-A.

The fac-simile signature of Chas. H. Fletcher is on every wrapper.

Children Cry for Pitcher's Castoria.

REMOVED TO THE ... ATLAS BLOCK.

Dr. A. C. Hummelbaugh, DENTIST,

Has moved his office from the Progress block to elegant new rooms at No. 49, Atlas block, 16 W. Second South. His new and commodious rooms are completely equipped with all the latest appliances known to dentistry, and his office is especially arranged for the comfort of his patients.

Pain instruments are left at the door, and by which pain has not alleviated. No case only the best materials that money can buy, and cheaper prices than cannot be duplicated in the city.

The Very Best $1.00 Corset.

Made in white and French drab with sateen strips, also in black sateen.

No Brass Eyelets.

Sizes, 18 to 30.

$1.00

Equal in fit and quality to any imported corset, costing twice the money.

Made by Chicago Corset Co.

For Sale by Walker Bros. and Pyter & Cohn Dry Goods Co.

Salt Lake City.

SALT LAKE CITY BREWING CO.

We are again in the lead against all competition, with our Extra Pale Premium Lager Beer, Half and Half, and Extra Fine X X X Stock Porter. In any quantity, by kegs or bottles.

Telephone 77.

JACOB MORITZ, Gen'l. Manager.

SAPONIFIER.

Pennsylvania Saponifier is the original and genuine concentrated Lye for family soap making and general household use. Beware of counterfeits. The success of the article has induced unprincipled parties to imitate it. None genuine unless Pennsylvania Saponifier Manufacturing Co., Philadelphia, is stamped on the lid. Ask your grocer for it, and take no other.

GRAEFENBERG CATHOLICON

Cures Weakness, Nervousness, General Debility and all forms of FEMALE COMPLAINTS.

An infallible remedy for the Distressing Diseases To which women are subject.

Recommended by many leading physicians and nurses.

Price $1.00 per bottle, five bottles for $6.00.

Sold by Druggists, and Wholesale and Retail by Z. C. M. I., Salt Lake City.

Graefenberg Company.

111 Chambers St., N. Y.

IT HAS BEEN INDORSED

By the medical profession that wine, especially in summer, is the most healthy beverage, providing it is obtained in a pure state, and that is what

We Offer You for One Month Only:

CLARET, 50 cents.
ZINFUNDEL, 25 cents.
BURGUNDY, $1.25.
HOCH, very fine vintage, 75 cents.
RIESLING, $1.00.
GUDEDEL, $1.25, at

UTAH LIQUOR CO.

167 Main Street.

The WAGENER BREWING CO.

Established in 1864. Incorporated in 1890.

BREWERY AND PARK, AT EMIGRATION or PIONEER CANYON

Family Trade Solicited.

Principal Office, No. 44 East First South St. Telephone 448.

SUMMONS.

In the District Court in and for the Third Judicial District of Utah Territory, County of Salt Lake.

Emily Martin, plaintiff, vs. Fred H. Martin, defendant.

The people of the Territory of Utah send greeting to Fred H. Martin, defendant.

YOU ARE HEREBY REQUIRED TO appear in an action brought against you in the above entitled court, by the above named plaintiff, in the district court of the third judicial district of the Territory of Utah, and to answer the complaint filed therein within ten days (exclusive of the day of service) after the service on you of this summons—if served within this county, or if served out of this county, but in this district, within twenty days; otherwise within forty days—or judgment by default will be taken against you according to the prayer of said complaint.

The said action is brought to have a decree of the court dissolving the bonds of matrimony existing between plaintiff and defendant, and for a divorce therefrom, asserting as the grounds for the same adultery and the abuse, cruelty and marriage, and praying for the custody of the children, without issue of those marriages, and for such other and further relief as may be meet in the premises.

Witness the Hon. Zemira A. Norris, Judge, and the seal of the District Court of the Third Judicial District, is hereunto affixed, this 14th day of November, in the year of our Lord one thousand eight hundred and ninety-five.

(SEAL.) DAVID C. DUNBAR, Clerk.

R. K. THOMAS,

26 to 32 East First South St.

THE UP-TO-DATE RETAIL HOUSE

Of the State of Utah.

Modern Merchandising Means Making Moderate Margins.

THIS KIND OF SELLING FROM NOW 'TIL AFTER CHRISTMAS.

Jackets.

CAPES

In addition to the largest and lowest marked stock of Jackets and Capes in the city, we have a few lines of last season's goods to close. They'll keep you just as warm as new goods.

A $5.75 Jacket for $4.75.
A $6.75 Jacket for $5.75.
Yes, that's right, $5.75 instead of $7.25.
$5.75 instead of $6.75.

People come to us for their Capes and Jackets because, as they say, we are lower on these goods than any other house. Of course we are. We know how to buy these goods, and are satisfied with a moderate profit.

FROM NOW 'TIL AFTER CHRISTMAS.

Jackets. CAPES

Dress Goods.

"R. K. Thomas for Dress Goods." Has become a household expression, which speaks volumes. From now 'til Christmas we are going to offer some rare bargains in this department.

Shoes.

Yes, we know how to buy Shoes—bought before the advance in leather. You'll get the benefit of our shrewdness. From now 'til after Christmas we'll place before you the best Shoe for the money you ever bought in your life.

Underwear.

We've had to duplicate and re-duplicate our fall purchases on Women's and Children's Underwear. That tells the story better than anything else—we are headquarters for these goods. Will continue our small margin selling 'til after Christmas.

Handkerchiefs.

We always have been, are now and always will be headquarters for Handkerchiefs.

Our usual grand display from now 'til after Christmas.

Gloves.

We have the best 75 cent Kid Glove in the market. Come to us for Gloves.

Remnants of DRESS GOODS.
Remnants of OUTINGS.
Remnants of TOWELINGS.
Remnants of TABLE LINENS.
Remnants of SILKS.
Remnants of BUTTONS.
Remnants of FLANNELS.

Silks.

500 pieces of Black Silks, assorted weaves, in lengths suitable for a waist, skirt, or a full dress. So that all may have a Silk dress, we have marked these goods just two-thirds their value. Don't miss it.

Blankets & Comforts.

The cold, chilly nights of December, January and February, you need not be cold. We sell Blankets as low as 75 cents a pair. We sell a good Comfort for $1.25.

We sell Blankets and Comforts.

Men's Goods.

Our 75 cent wool ribbed Shirts and Drawers are the best things ever offered for the money. Ask to see them.

We carry a complete line of Men's Furnishings, but remember this:

There's no fancy prices on them.

Babies' Bonnets.

We were successful in securing another big drive in these goods. So we can sell you Babies' Bonnets at just half what they are usually sold for elsewhere.

A splendid line of Boys' and Girls' Caps for winter, just arrived.

Remnants of SHOES.
Remnants of SHEETINGS.
Remnants of LININGS.
Remnants of TRIMMINGS.
Remnants of LACES.
Remnants of EMBROIDERY.
Remnants of Everything.

Wrappers.

SHAWLS

Our superior buying ability has made it possible for you to buy these goods cheaper than you can make them up.

$1.25 Wrappers for 75c.
$1.50 Wrappers for 95c.
$2.00 Wrappers for $1.00.

Our Wrappers are cut full.

The prices are cut short.

What is nicer than a good warm Shawl.

Fashion's fancy brings us many new warmers, but the shawl, the old faithful, holds its own.

Just ask to see

Our $1.25 Shawl.
Our $1.75 Shawl.
Our $2.00 Shawl.
Our $2.50 Shawl.

HAVE ONE.

Wrappers. SHAWLS

R. K. THOMAS