THE DISTRICT COURT.

Verdict For the "Tribune" in the Fenstermaker Libel Suit.

CRIMINAL BUSINESS AGAIN UP.

Additional Arrangements—What Constitutes Professional—Civil Jury Cases.

Both branches of the Third district court have been in active operation today. Chief Justice Merritt is urging ahead with civil jury cases, while Associate Justice Barton, having at last got rid of the $50,000 libel suit against the *Tribune*, has started work once more on the criminal calendar.

THE "TRIBUNE" WINS NOW.

It was a quarter to 5 o'clock yesterday afternoon, at the conclusion of Judge Barton's charge, when the Fenstermaker-*Tribune* libel case was given into the hands of the jury. At 6:30 they had agreed, and this morning brought in a sealed verdict, finding for the defendant—ten to two.

The jury was polled at the request of Attorney Zane, with the following result: Yeas: N. A. Boorman (foreman), James W. Sullivan, B. F. Thornburg, C. S. Favour, H. J. Faust, Daniel Lotham, Clint L. Moss, Ed. Norton, George Walton, D. Austin. Nays: J. J. Grammon, John D. Spencer.

It is stated that the two last named were in favor of finding for the plaintiff in the sum of $1, which would have carried costs.

Attorney Zane then said—Mr. Clerk, enter an exception on behalf of the plaintiff to the rendition of the verdict by less than a unanimous jury.

Subsequently counsel said—We would use thirty days to prepare a bill of exceptions in this case.

The court acceded to the request, and thus (for the present, at any rate) the matter ended.

CRIMINAL BUSINESS.

Having received a verdict in the foregoing matter Judge Barton took up criminal business, but it was a quarter to eleven before a start was made with the cases proper, the interval having been occupied with arraignments and other preliminaries.

DEMURRER TO INDICTMENT.

Judge Anderson argued a demurrer to indictment in the case of Hiram McKernan, charged with fornication. The offense is alleged to have been committed with Lena Carter. The ground of objection was that the indictment did not charge a public offense. The prosecution, counsel said, was had under the laws of the United States—under the Edmunds-Tucker law, which was aimed directly at Utah, for the purpose of breaking up the practice of polygamy among the "Mormon" people. A single act of unchastity, as charged in this case, did not constitute fornication at common law. It must be a notorious living together in a way that would be scandalous before the public.

Judge Howat, assistant district attorney, replied on the other side, saying he did not know exactly how many people Judge Anderson, while on the bench here, sent to the penitentiary for this class of offence. He differed decidedly to the idea that during Judge Barton's present absence at Beaver a counsel similar to that in the present case was argued before Chief Justice Merritt and overruled.

The court took the case under advisement.

ARRAIGNMENTS, ETC.

John Keller, Herman Kahn and M. Dinsmont were arraigned and plead not guilty to a charge of stealing four heifers belonging to Isaac Harriman on September 1.

The bond of Wm. Lynch, indicted for fornication with Edith Karren, was fixed at $500, to be approved by Commissioner Greenman.

People vs A. L. Mair. The defendant in this indictment is charged with housebreaking and the trial was continued for the term, at the request of the defendant.

United States vs Wm. Lynch; fornication. Bail fixed at $500, to be approved by Commissioner Greenman.

W. S. Fugate plead not guilty to an indictment charging embezzlement and the trial was set for the 12th, Judge Anderson is the defendant's attorney.

United States vs John Orr; adultery. Trial set for Dec. 12.

People vs George Olsen. The defendant is charged with offering a bribe of $20 to Commissioner McNally presiding his decision in a suit heard in his court in which Israel Evans was plaintiff and William Harkness the defendant. He was arraigned and will plead on December 8th.

People vs Samuel Grice; grand larceny. The defendant being sick at this time, the case was passed on motion of the prosecution.

U. S. vs F. M. Sawyer; fornication. Plea of not guilty entered; trial set for December 15th.

People vs Jerome Smith; burglary. Plea of not guilty; trial set for December 11th. Attorney Harkness was appointed by the court to defend.

People vs Willis Cochrane; burglary. The defendant withdrew his former plea of not guilty and plead guilty. He was ordered to come up for sentence on December 8th.

MARK TOBIAS VICTIMIZED.

Nellie Davis, a young woman of color, attired with due regard to fashion, was placed on trial on a charge of stealing $31.70, the money of Mark Tobias, a State street grocer, on September 8 of the present year.

Judge Howat prosecuted; Attorney J. W. Cherry (Cherry & Cherry) defended.

The defendant entered the prosecutor's store on the date named and purchased a chicken and other articles, for which she paid and went out. Then she returned and wanted a bar of soap from among a stock which was kept on a shelf behind the counter, and went herself to reach it down. As she did so, it is alleged, she stole a roll of cash from Tobias's pocket containing the amount above named. The defendant left the store very shortly afterwards, and half an hour or so later Tobias missed the cash. Suspicion fell upon the defendant; information was given to the police, and the money was eventually found in a stovepipe hole at the house in which she was then living on Franklin avenue.

The defendant told a most unlikely story on the witness-stand to the effect that Tobias invited her into a room at the back of the store and that she picked up the money on a set there. She also alleged that he had been accustomed to visit on Franklin avenue—all of which Mr. Tobias very indignantly denied. It was stated that when the accused was arrested she declared that she had not been over to the prosecutor's store on that day.

Counsel for the prosecution did not desire to argue the case, and counsel for the defense simply urged that, if the most, the jury could convict her of petit larceny only.

The case was given to the jurors at 12:35. Ten minutes later they came into court with a verdict of guilty as charged—grand larceny.

Sentence was set for tomorrow morning.

Before Judge Merritt.

In Chief Justice Merritt's division this morning the U. S. marshal returned a venire of fifteen petit jurors as follows, in obedience with the order issued yesterday: T. R. McNalt, Julius Gesar, J. L. Lawson, F. A. Vining, C. H. Hinman, A. M. Cannon Jr., Geo. M. Ottinger, T. T. Donaldson, Mott G. Taylor, Henry H. Hickens, J. M. Cecil, Hyrum Olsen, Hy. Tanner, John P. Harmon, Thos A. Donohoe. All were examined on their voir dire except Geo. M. Bell, and accepted with the exception of J. Ira P. Harmon, who was excused for the term.

The case of the Portland National bank, of Portland, Oregon, vs Thos. J. Angell et al, formerly trading as the T. J. Angell Lumber company, was tried before a jury, Messrs. Lee & Gray representing the plaintiffs and Attorney E. H. Critchlow the defendants. The action was brought to recover the sum of $5,325 on three promissory notes of $1,175 each, claimed to have been given by one M. H. Kileman as agent of the defendants, but the right to whom to execute the notes is denied.

When the plaintiff had rested his case the defense intimated that they had no evidence to offer and legal arguments were waived. Thereupon the defendant's counsel moved the court to give the jury peremptory instructions to find for the defendants, on the ground that the signers of the notes were not shown to have had authority to do so.

This point having been argued, the court sustained the motion and directed the jury accordingly.

Verdict thereupon for the defendants.

Plaintiffs' attorney excepted to the court's instruction to the jury.

HE GOT OFF LIGHTLY.

"Dr." Louis Spiegel Pleads Guilty and is Sent Up For a Year.

"Dr." Louis Spiegel, who formerly plead not guilty to forgery, now withdrew that plea and entered one of guilty.

This is the individual who victimized John Dolet the tailor and afterwards "took in" a couple of local hotels by "borrowing" money. He then hurriedly left the city and was arrested at Cheyenne, Wyo.

The defendant is a man of good education and made quite an eloquent statement to the court in his defense. He said he was here among entire strangers, and that he could "claim no inclination to be a professionally dishonest man." He was 50 years of age, had resided in the United States for thirty years, had served twenty years and nine months in the United States army and had rendered service in the army hospitals during the war as a physician. He had always been able to make a good living in his profession, but an unfortunate mania for gambling which "possessed" him had been the cause of his present trouble. He lost here in that way upwards of $800—all the money he had. When he committed the offense charged it was his honest intention to return the money next day; but he was unable to do so. The only claim he now made of money was on behalf of his wife and two children, who were living in New York City.

Attorney Murphy (Critchlow & Murphy) here stepped in and stated to the defendant's bondsman, Judge Barton asked Spiegel (who had been standing meanwhile while addressing the court) whether he had ever been convicted before. He declared that he had not and, further answering, pleaded that he would in future lead an honest life. He had been in prison awaiting trial three and a half months already.

After giving the defendant a salutary lecture Judge Barton passed sentence of one year in the penitentiary—the lightest punishment allowed by law.

An Account for Coal.

The case of the Pleasant Valley Coal company, vs Tom Simons et al, trading as T. Simons & Co., is on trial before Judge Merritt and a jury in this term. The action is brought to recover balance of account ($115.56) for coal. The case comes here on appeal from ex-Commissioner Mayer's court, where judgment was rendered for the plaintiff for $50 and costs.

Must Use the Box.

In Judge Merritt's court this afternoon Judge Powers called attention to an innovation which he said was against the statute and, at the same time, entered a protest thereon. Chief Justice was proceeding to call the twelve of the jurors in a case in which the judge was about to engage, from typewritten slips of paper instead of using the customary box, and it was this which caused counsel to interpose.

Judge Merritt directed that the box be used, and from this a jury was empaneled.

DISTINGUISHED VISITOR.

Ex-Secretary Foster of the United States Treasury in Salt Lake.

Hon. Charles Foster, of Ohio, one of the best known Republicans of the country, arrived in Salt Lake today unheralded and unaccompanied and spent the day in calling upon his friends.

Mr. Foster was secretary of the United States treasury during Harrison's last administration and was at one time governor of Ohio. His visit to Utah and the West has no political significance, it is claimed, but is one of pleasure and business combined. The gentleman came in from the east and will extend his journey to the coast. He is registered at the Knutsford and expects to remain in Salt Lake for a day or two during which time he will doubtless be the recipient of frequent calls from local citizens.

PROVO.

PROVO, UTAH, Dec. 5, 1894.

Anna Marks's Damage Suit.

The jury in the case of J. W. Beasley vs. H. E. Sparks, et al, returned a verdict in favor of plaintiff and awarded him $75.87 principal, and $74.56 interest.

Next came the case of Woolf Marks and Anna Marks vs J. E. Sullivan. The case is brought to recover $5,000 for an assault and false imprisonment committed in the following manner: John T. Sullivan, who was constable in Eureka, in 1891, came to Mrs. Marks's store to recover coals in the case of Hallo Tomasino vs Anna Marks, previously tried in the First district court, and to serve a writ of execution. At that time plaintiff claims that Sullivan arrested Mrs. Marks and took her before Justice Davis, who kept the peace for awhile, but after this Mr. Sullivan, in making the arrest used great violence and dragged Mrs. Marks along the ground.

Defendants deny that any violence was committed in making the arrest, which was made regularly on account of Mrs. Marks resisting the officers in the execution of his duties.

The case was tried in the February term of this court, 1893, and a verdict of $5,000 was returned in favor of plaintiffs. An appeal was taken, and instead a judgment for defendants was taken by default. Mr. John N. Zane, who was then attorney for plaintiff, succeeded in setting the judgment aside, and the case relanded.

After the evidence was all in on the plaintiff, in this case, so far as D. S. Dee was concerned, was, upon motion of counsel for defense, dismissed.

WAS THERE A CONSPIRACY?

Magnus Kristofferson, of Eureka, one of a number early in the forenoon, was called up for evidence. His testimony said in substance and effect that they had succeeded the defendants in the theory that a conspiracy had been formed against Kristofferson, and they had further evidence on this point, although probably not enough to justify granting a new trial. For the above reasons they asked for a light sentence.

Prosecuting Attorney Tourmachides said at the time the case was tried, he did not know that there had been a conspiracy, but at the time of the trial the husband of Mrs. Marks seemed very bitter against his wife and Kristofferson, yet at the trial was over and a reconciliation effected, Mr. and Mrs. Marks began to live together and Mr. Kristofferson retreated from and to prosecute Mrs. Marks. It looked very much like a meeting had been made to induce Mr. Kristofferson and he did not like the appearance of it.

A sentence of three months in the penitentiary was imposed. A stay was granted till this morning on the defense by that time decided not to appeal on account of the expense connected therewith.

Notes and Personals.

James F. Dunn left for Grand Junction last evening to accept a position with the Colorado Midland & Aspenite company.

William March pleaded guilty before Justice Westgwood yesterday to a charge of keeping a gambling house. He was fined $50.

In stating that Alex Jennings was arrested on a charge of obtaining money under false pretenses yesterday, the name of Thomas Gill was inadvertently substituted for that of Peter Greenhalgh. Peter Greenhalgh and Noah Jennings are the parties serving a sentence in the county jail for obtaining money under false pretenses. Mr. Gill was tried at the same time was acquitted.

COMMERCIAL.

SALT LAKE CLEARING HOUSE.

Today's clearing house exchanges amounted to $514,957. Same day last year, $488,[illegible].

TODAY'S QUOTATIONS.

New York.—Silver, 60¾; lead, $3.20.
London.—Silver, 29¼.

ORE AND BULLION.

McCornick & Co. received today: Hanover bullion, $2,[illegible].
T. R. Jones & Co. received today: Bullion, [illegible] ores, $1,[illegible]. Total, $13,[illegible].

New York Stock Market.

[illegible]

STOCKS AND BONDS.

[illegible]

CHICAGO MARKET.

[illegible]

Dr. Price's Cream Baking Powder
World's Fair Highest Medal and Diploma.

What is More Attractive
than a pretty face with a fresh, bright complexion? For it, use Pozzoni's Powder.

The
WAGENER BREWING CO.
Established in 1864.
Incorporated in 1894.
BREWERY AND PARK, AT EMIGRATION OF PIONEER CANYON.
Family Trade Solicited.
Principal Office, No. 64 East First South St. Telephone 405.

MARSHAL'S SALE.

PURSUANT TO AN ORDER OF SALE [illegible]

R. K.
THOMAS.
26, 28, 30, 32, East First South Street,
Salt Lake City.

A TREMENDOUS

HOLIDAY

SALE

Commencing Dec. 1st.

If you want Useful Presents at Ridiculously Low Prices, you will call and look at the Immense Bargains we offer in

SILKS,
VELVETS,
DRESS GOODS
AND TRIMMINGS,

A Stock of $25,000

Which we will offer without reserve at Prime Cost and less, up to the Eve of December 24th. Very cheap, fine choice. Everything marked in plain figures and displayed in centre of store. This does not consist of old stock but Choice, New Goods.

Elegant Silks, Velvets and Trimmings, for evening and street wear. No lady can afford to miss this opportunity, and no gentleman should fail to buy his wife a dress. We do not resort to the sensational and cap trap in our advertising, and we desire to inform our patrons and the public we aim to serve two purposes, the first to give you Bargains, and the second is to advertise our store, feeling assured this will lead to a continued patronage.

IN THIS SALE WE WILL OFFER

500 Kid Body Dolls, 25c, 50c, 75c, $1.00. Half Price.

Two Lines Silk Initial Handkerchiefs, 25c and 75c, worth 50c and $1.25

50 doz. Ladies', Men's and Boys' Fur Top Kid Gloves, 50c, 75c, $1.00. Very Cheap.

$1.75 Grade Foster Kid Gloves, 5½, 6, 7, 7½, $1.00 pair.

$1.00 Grade Foster Misses' Gloves, 4½ to 5½, 50c pair.

50 doz. Assorted Fascinators, special Prices.

Knit Underwear and Hosiery, Reduced for this Sale.

SHOES AND SLIPPERS,
BOYS' CLOTHING
AND WAISTS,
MEN'S AND BOYS'
SHIRTS,
CLOAKS AND SHAWLS.

Everything Goes at Sale Prices.

R. K.
THOMAS

YOU SHOULDN'T

In the present condition of affairs, expect to get a FIVE DOLLAR GOLD PIECE for fifty nickels.

But you can get a

—$5 PAIR OF—

SOUND, SNOWPROOF, PLIABLE AND EVERLASTING

—SHOES—

AT THE GREAT TEASDEL SALE

—FOR $2.49—

Our Shoe sale is surely the snap of the season.
We begin slaughtering prices tomorrow morning.
Watch this space for further particulars tomorrow.
These shoes, though specially adapted for kicking, have been marked down to figures which the most chronic kicker could not find the gall to kick at.