THE DISTRICT COURT.

W. N. Eddy Sentenced to Two Months' Imprisonment.

YOUNG FUSSET GETS ONE YEAR.

Court Declines to be Criticized by Judge Powers—Lynberg's Case—A Hung Jury.

Judge Bartch is busily working on the criminal calendar today.

HIS FIRST BACKWARD STEP.

Wm. Fussey, a young man of respectable appearance, plead guilty to a charge of burglarizing a room at the Cliff House, on March 23d of the present year.

Judge Howat, the prosecuting attorney, said this was a case, in his opinion, in which the lightest possible sentence should be passed. The defendant had been in jail seven months already, and the sheriff had informed him that during the time Fussey had remained in the county jail his conduct had been of the best.

In answer to the court defendant said he committed the offense because he was destitute. This was the first time he had been in trouble.

Sentence, one year's imprisonment in the penitentiary.

POWERS FORCES FOR EDDY.

In the case of W. N. Eddy, found guilty last week on an information charging him with forgeries, and in which a motion for a new trial was made by defendant's attorneys (Powers & Stump), Judge Bartch now overruled the same. He said the main ground upon which the motion was based was that the charge of the court was not given in writing or taken down by the official reporter. Counsel for the defendant were in court at the time the charge was given, but did not call the court's attention to the omission, nor was anything said about it until the jury had retired. Under these circumstances, and under a previous ruling of the territorial supreme court, he therefore held that counsel waived their right. Moreover, the official reporter had informed the Court that counsel had also not asked for it.

Attorney Stump took an exception and was granted thirty days in which to file a bill of exceptions.

Judge Powers came into the court room a few moments later and moved for an arrest of judgment, on the ground that the verdict was not "because" by the jury in the case. The jury had handing in of a written verdict and the reading of the same by the clerk was not, he contended, in accordance with the statute.

A good deal of talk between the court and counsel ensued, after which Judge Powers became somewhat warm, remarking: "The court is presumed to know the law and the practice and not wait for counsel to direct him."

Judge Bartch—I want here to say to counsel that I do not care to have any further criticism on the action of the court.

Judge Powers remarked, however, it was a poor privilege to a prisoner to have a higher court to appeal to if he could not get his rights in the court below. The law was presumed to give him a fair and impartial trial in the lower court, just as if there was no other court to redress. The point he insisted now to make was that no verdict had been "declared" in this case.

Judge Bartch repeated what he said before Judge Powers's arrival as to the statement of the official stenographer.

Judge Powers was warm and seemed to be pissed in a huffy light. He said the reporter wanted to know when the case came, as if he desired it reported at his own expense, and of course he did not. (It seems that no provision is made by the statute for reporting United States cases.) The Judge's charge should, however, have been in writing.

Judge Bartch said he could not see the reporter from where he sat on the bench, and was unaware that it was not taken down until his attention had been called to the fact by counsel.

On being appealed to by Judge Howat, Clerk Lomm said he took the verdict in this case the same as in all others, and put the final question, "Do ye you all, gentlemen?"

Judge Howat said there was simply nothing to Judge Powers's objection. It was altogether frivolous.

Judge Powers observed that as the police had failed to convict Eddy first for the bunco and stove business, then on a charge of vagrancy, they determined to catch him somehow, and so arrested him on the present charge. This was a case, he suggested, in which a fine might be imposed, instead of imprisonment.

Judge Bartch asked Judge Howat whether he considered this a proper case for a fine.

Judge Howat answered emphatically, "No!" If defendant was guilty, then he brought into court a "finger man" he well knew committed perjury as well as committed perjury himself, in his own behalf. He did not look upon this as the case of a good man gone wrong."

The court passed sentence of two months in the penitentiary.

Judge Powers applied that the defendant be admitted to bail pending the appeal to the Supreme court, and the court took the application under advisement.

Kelly—court

This afternoon the court fixed the defendant's bonds at $500, the surety to be approved by Commissioner Greenman.

LYNBERG'S APPEAL.

The hearing of the case of the People vs Fred C. Lynberg, begun yesterday afternoon, was resumed this morning. As stated in Monday's NEWS, the defendant, on July 26th, plead guilty to Commissioner Pratt's court to a charge of having spoofed trust in his possession and was fined $50 and costs. From that fine, which was deemed altogether excessive, the defendant prosecuted the present appeal.

Judge Howat admitted this morning that the appeal was a proper one, the fine, in his opinion, having been "a pretty salty one" under the circumstances. He again called attention to the fact, however, that as Mr. Lynberg plead guilty when before the Commissioner, even if the judgment of the lower court was now set aside he would still stand as pleading guilty. He therefore wanted the appeal dismissed on the ground that there was nothing for the jury to passupon.

After hearing E. H. Lewis, the defendant's attorney, the court ruled that the case should go to the jury. And so the trial proceeded until noon, when the jury retired to consider their verdict.

When the NEWS went to press the jury were still deliberating, having just previously refreshed themselves at a neighboring restaurant, accompanied by the court bailiff.

COULD NOT AGREE.

The jury before whom Geneva Tolls was tried yesterday on a charge of mayhem were locked up in the jury room all night and the whole of this forenoon. Shortly before 12 o'clock they returned into court and the foreman announced generally that they were unable to agree. Judge Bartch therefore discharged them.

It is stated that seven jurors were in favor of acquitting the defendant and five stood out for a verdict of guilty.

THE MURRAY TRAGEDY.

The trial of Charles Tuttle, charged with the wilful murder of his wife at Murray, will begin before Judge Bartch tomorrow morning. Assistant District Attorney Howat will prosecute and Judge Cherry has been retained as defense. It is expected that greater part of the day will be consumed in empaneling a jury and the trial is likely to last quite a week, as there are a large number of witnesses to be called.

ON TRIAL NOW.

James Marsh is on trial this afternoon on a charge of stealing a dark brown mare, the property of Fred Bond. Judge Howat prosecutes; Attorney Watson defends.

Before Judge Merrill.

Chief Justice Merrill passed upon the following cases this morning:

In the case of Rosen Jensen vs. H. W. Darke, administrator, et al., default was entered as all the defendants except H. W. Darke, who withdrew his demurrer and consented to judgment. Decree and foreclosure accordingly.

Joseph Kraus vs the Rio Grande Western railroad company. Motion for a new trial on the first cause of action argued, overruled and an exception taken.

W. H. Irvine vs Adelaide Irvine. On motion of plaintiff's counsel and by consent of defendant's attorneys it was stricken that copies of the complaint, answer, cross complaint and answer to cross complaint be substituted for the original files, which have been lost or in the files as at date of the original files.

Jacob W. Gehlbach vs John H. Busby, administrator. Default and judgment as prayed.

Alice Mitchell Adams vs John Adams. Divorce granted on the ground of failure to provide. The marriage took place in this city on September 2d, 1888, and there is one child, Pearl, aged four years and two months. It was stated that the defendant had neglected to provide for his wife and daughter for the past four years. The court awarded the custody of the child.

J. M. Hamilton was the plaintiff's attorney.

The court will be busy dealing with the law and motion calendar.

John Trewhela's Funeral.

The funeral services over the remains of John Trewhela, whose death was announced in last evening's NEWS, will be held at the First Presbyterian church tomorrow (Wednesday) afternoon, beginning at 2 o'clock.

"Day of Atonement."

Services for Yom Kippur (day of atonement) will be held at the Temple B'nai Israel this (Tuesday) evening beginning at 7:15, and Wednesday morning, beginning at 10 o'clock.

From Jail to Infirmary.

Ann Vaughan, aged 74, the old woman who was sentenced by Commissioner Greenman to forty days' imprisonment for taking part in the savage assault upon her son's wife, was discharged from the county jail this afternoon on the expiration of her time and will now see an inmate of the county infirmary.

An Insane Woman.

Lovena C. Lowendahl, aged 35, an unmarried woman, whose friends reside near Murray, was this afternoon examined in the probate court with reference to her mental condition by a committee consisting of Judge Blair and Dodrie Meechum and Worthington. She was adjudged insane and will be taken to Provo.

Young Family Association.

There will be a meeting of the Young Family Association on Wednesday evening next, at 7 o'clock, at the residence of Oliver Phoenix Y. Smith, opposite the west gate of the Temple.

Sugar Loaf Republicans.

The Republicans of Sugar loaf precinct are making preparations for a big rally to be held at the Central school building on Thursday evening, the 11th inst., commencing at 7:30 o'clock. The Republican Central Committee will furnish music. Hon. John Henry Smith, Hon. C. C. Allen and other prominent Republicans will address the audience.

FIREMEN AS STUDENTS.

Will Improve Their Time and Talents by Starting a Night School.

It is the purpose of some of the most enterprising members of the Salt Lake fire department to make it a model in more ways than one. There is a great deal of valuable time lost in all the departments. Fighting fires, caring for horses and apparatus only occupies a very small percentage of a fireman's time. The balance is more or less completely spent.

The average fireman is not a great newspaper reader nor does he spend many hours per month in the department library. But there are exceptions to this class of men as well as in others and they are both in the home department.

William Hywater and Captains Sullivan and Webber have mooted to a movement calculated to benefit themselves and colleagues. They propose to engage a competent professor to conduct a night school at least three times a week. They have gone into the movement with an earnestness that is most commendable, and expect to make a success of it. Nearly a dozen members have signified their intention of joining the class. They should make good progress as they have ample time to study and an excellent library of 1,500 volumes is at hand for reference purposes.

AMUSEMENTS.

FRIENDS.—It was a rare testimonial that Salt Lake bestowed Mr. Hoyt last evening. Even after the Day Fair and Conference week and the Student Home club season, with Friends on its second visit, the house was crowded with a cultured and fashionable audience. The results could not have amounted to less than $700, which is considerably more than the play drew at its opening night last season, so better proof of its merits and its popularity could have been put in evidence. It goes without saying that Mr. Hoyt was accorded a warm and appreciative reception, and that after the big and at the play—the finer—he and every other member of the company was given the heartiest kind of ovation. Mr. Hoyle and Mr. Hendrickson played the two Dennis with their usual delightful humor and naturalness. Mr. Hendrickson's piano playing was admirable as ever and won a hearty encore. Mrs. Hoyle also won the usual plaudits for her effective delineation of the heroine. The others in the company were all clever. Friends goes again tonight.

WHO WILL BE BE?

Ex-Councilman Daly's Successor Will Probably Be Named Tonight.

The City Council will meet in regular weekly session tonight. Among the questions that is expected to come before that body for consideration at that time is that of appointing a successor to ex-Councilman John J. Daly of the Fourth precinct who surprised his colleagues not many meetings ago by tendering his resignation.

There are several candidates for the position. The most prominent are H. G. McMillan, ex-clerk of the Third district court, Thomas W. Jennings and James Glendinning.

Just on whom amongst the contestants matters will fall is not known to the public, but it is certain that one of the three gentlemen named will ere long put himself in the revolving chair which Mr. Daly filled with such satisfaction and credit to himself.

OGDEN.

OGDEN, UTAH, OCT. 8, 1894.

The Funeral.

The Utah & Northern train yesterday morning brought from Anaconda the remains of Chauncey W. West, accompanied by his family and relatives. The funeral services were held in the Third ward meeting house at 2 o'clock. Deceased was the son of the late Bishop Chauncey W. West, and was well known to all the old residents of Ogden, a large number of whom attended the funeral services, as also did many of his old railroad companions. He was one of the first conductors on the Utah & Northern and used to run out to Ogden.

COMMERCIAL.

SALT LAKE CLEARING HOUSE.

Today's clearing house exchanges amounted to $245,612. Same day last year, $159,976.

TODAY'S QUOTATIONS.

New York.—Silver, 63½; lead, $3.35. London.—Silver, 29 3-8.

ORE AND BULLION.

McCornick & Co. received today: Hanover bullion, 13,800; silver and gold ores, $10,800. Total, $23,800.

Wells, Fargo & Co. received today: Bullion, $5,730.

U. S. Assay & Co. received today: Ores, $4,000; bullion, $7,195. Total, $11,195.

REAL ESTATE.

Transfers filed in the office of the County Recorder of Salt Lake County, Utah, for twenty-four hours ending October 8, 1894.

Mary C. DeWandy et al to Nancy C. Williams, lot 10, block 1, Rapp addition ..... $ 1,000 00
Anna Hanks to Hyrum W. Gray, lot 1, block 25, plat A, Salt Lake City 1 00
Hanover Stock to Sarah Ann Jones, lots 1 to 5, block 3, plat C, Hanover Stock addition 1,077 41
Ann J. Stockman et al to Mary J. Jones, undivided ½ of lots 1, 2, 3, 4, block 2, West Jordan Town 1,000 00
Henry L. Rowley to Anna H. Wooley, part section 8, township 1 south, range 1 west, Salt Lake meridian 152 50
Charles C. Snow to Sell Lansing, part section 10, township 1 south, range 1 east, Salt Lake meridian 1 00
Joseph Lipman to A. Fossum, part of lot 3, block 61, plat A, Salt Lake City 750 00
L. C. Cole et ux to Anne Foster, part section 11, township 1 south, range 1 east, Salt Lake meridian 1 00
L. A. Cole et ux to H. H. Rowe, part of section 14, township 1 south, range 1 east, Salt Lake meridian 13,000 00
John M. Cannon et ux to Joseph Scott, all of lots 1, 2, and 3, block 2, plat A, City 500 00
J. E. Dwyer et ux to R. M. Jones, part of section 31, township 2 south, range 1 west, Salt Lake meridian 400 00
Frederick H. Auerbach to Minnie A. Auerbach, lots 9 and 10, block 3, Paradise addition 850 00

CHICAGO MARKET.

CHICAGO, Ill., Oct. 8.

Wheat—Oct., 57½; Dec., 58½.
Corn—Oct., 37½; Nov., 38½.
Oats—Oct., 26½; Nov., 26½.
Pork—Oct., $9.60; Jan., $9.60.
Lard—Oct., $5.15; Jan., $5.
Ribs—Oct., $4.05; Jan., $3.92½.
Wheat—
Corn—
Oats—
Pork—
Lard—
Ribs—

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

LUMBER.

Best Oregon Lumber $16.00 per M.
Best Cedar Shingles $2.25 M. Blackberry Flooring $22.50 M.
BOTHWELL & MCCONAGHY,
202 S. First West.

Choice home-grown Carnations, at Lawyer's Floral establishment.
Telephone 628.

The Perfume of Violets
The purity of the City, the glow of the rose, and the dight of Rose combine in Pomeroy's Heliotrope Powder.

It Can Clean the World
if it is given a chance.
GOLD DUST
WASHING POWDER
Clean everything to which it is applied. Clean is quick, clean is easy, clean is cheap. Apply it to dishes, use it and use for yourself, and for grocers everywhere. Print age in large packages. Made only by
The N. K. Fairbank Company.
St. Louis. Chicago. New York. Boston. Philadelphia.

REPORT OF THE CONDITION OF

The Commercial National Bank,

OF SALT LAKE CITY, IN SALT LAKE CITY, IN THE TERRITORY OF UTAH, AT THE CLOSE OF BUSINESS, SEPTEMBER 7TH, 1894.

RESOURCES.

Loans and discounts	$ 722,904 27
Overdrafts, secured and unsecured	2,500 18
U. S. bonds to secure circulation	50,000 00
U. S. bonds to secure U. S. deposits	50,000 00
Premiums on U. S. bonds	2,000 00
Bonds, securities, etc.	25,178 97
Banking house, furniture and fixtures	10,000 00
Due from National Banks (not in reserve cities)	32,041 0
Due from approved reserve agents	96,748 39
Checks and other cash items	1,000 00
Exchanges for clearing house	8,000 00
Bills of other National Banks	1,000 00
Fractional paper currency, nickels and cents	38 10
Specie	
Legal tender notes	20,000 00
Redemption fund with U. S. Treasurer (5 per cent of circulation)	2,250 00
Total	$1,000,240 41

LIABILITIES.

Capital stock paid in	$ 200,000 00
Surplus fund	50,000 00
Undivided profits, less expenses and taxes paid	7,241 34
National bank notes outstanding	45,000 00
Due to other National Banks	3,140 41
Due to State Banks and bankers	2,400 00
Dividends unpaid	40 00
Individual deposits subject to check	711,417 43
Demand certificates of deposit	20,777 37
Certified checks	1,000 00
Cashier's checks outstanding	1,417 50
Notes and bills rediscounted	
Bills payable	
Total	$1,000,240 41

TERRITORY OF UTAH,
County of Salt Lake: } ss.

I, ED. W. DONNAN, cashier of the above named bank, do solemnly swear that the above statement is true to the best of my knowledge and belief.

ED. W. DONNAN,
Cashier.

Subscribed and sworn to before me this 8th day of October, 1894.

[SEAL] ROBERT HARRIS, Notary Public.

My commission expires January 28th, 1896.

CORRECT—Attest:

W. S. McCORNICK,
FRANK H. DYER,
E. M. ASCHENBACH,
Directors.

REPORT OF THE CONDITION OF

THE UTAH NATIONAL BANK

OF SALT LAKE CITY,

At Salt Lake City, in the State of Utah, at the close of business, Oct. 2, 1894.

RESOURCES.

Loans and discounts	$ 251,000 00
Overdrafts, secured and unsecured	2,000 00
U. S. bonds to secure circulation	50,000 00
U. S. bonds to secure U. S. deposits	50,000 00
Premiums on U. S. bonds	2,000 00
Bonds, securities, etc.	15,424 41
Banking house, furniture and fixtures	9,000 00
Other real estate and mortgages owned	9,000 00
Due from National Banks (not reserve agents)	8,000 00
Due from State Banks and bankers	1,347 87
Due from approved reserve agents	68,000 00
Checks and other cash items	1,000 00
Exchanges for clearing house	4,000 00
Bills of other National Banks	1,000 00
Fractional paper currency, nickels and cents	41 35
Specie	
Legal tender notes in bank, viz:	
Notes, $50,000 00	60,000 00
Redemption fund with U. S. Treasurer (5 per cent of circulation)	2,250 00
Total	$535,062 63

LIABILITIES.

Capital stock paid in	$ 50,000 00
Surplus fund	10,000 00
Undivided profits, less expenses and taxes paid	7,241 34
National bank notes outstanding	45,000 00
Due to other National Banks	3,140 41
Due to State Banks and bankers	2,400 00
Dividends unpaid	40 00
Individual deposits subject to check	411,417 43
Demand certificates of deposit	20,777 37
Certified checks	1,000 00
Cashier's checks outstanding	1,417 50
Total	$535,062 63

TERRITORY OF UTAH,
County of Salt Lake: } ss.

I, A. H. JONES, cashier of the above named bank, do solemnly swear that the above statement is true to the best of my knowledge and belief.

A. H. JONES,
Cashier.

Subscribed and sworn to before me this 8th day of Oct., 1894.

[SEAL] CHAS. L. HARRIS,
Notary Public.

CORRECT—Attest:

J. R. TWIGGS,
HARRY H. JONES,
C. E. LOCK,
Directors.

REPORT OF THE CONDITION OF

DESERET NATIONAL BANK,

OF SALT LAKE CITY,

At the close of business on the 2nd day of October, 1894.

RESOURCES.

Loans and discounts	$[illegible]
Overdrafts, secured and unsecured	[illegible]
U. S. bonds to secure circulation	[illegible]
U. S. bonds to secure U. S. deposits	[illegible]
Premiums on U. S. bonds	[illegible]
Bonds, securities, etc.	[illegible]
Banking house, furniture and fixtures	[illegible]
Other real estate and mortgages owned	[illegible]
Due from National Banks (not reserve agents)	[illegible]
Due from State Banks and bankers	[illegible]
Due from approved reserve agents	[illegible]
Checks and other cash items	[illegible]
Exchanges for clearing house	[illegible]
Bills of other National Banks	[illegible]
Fractional paper currency, nickels and cents	[illegible]
Specie	[illegible]
Legal tender notes	[illegible]
Redemption fund with U. S. Treasurer (5 per cent of circulation)	[illegible]
Total	$[illegible]

LIABILITIES.

Capital stock paid in	$ [illegible]
Surplus fund	[illegible]
Undivided profits, less expenses and taxes paid	[illegible]
National bank notes outstanding	[illegible]
Due to other National Banks	[illegible]
Due to State Banks and bankers	[illegible]
Dividends unpaid	[illegible]
Individual deposits subject to check	[illegible]
Demand certificates of deposit	[illegible]
Certified checks	[illegible]
Cashier's checks outstanding	[illegible]
Total	$[illegible]

DAVIS AND WEBER COUNTIES CANAL COMPANY,

OGDEN, UTAH, TERRITORY.

NOTICE.—THERE ARE DELINQUENT assessments upon the following described stock, on account of assessments duly levied by the board of directors of the company, on the 5th day of March, 1894, and in accordance with the resolution of said board of directors, so much of said stock as may be necessary will be sold at the south door of Weber County Court House, in Ogden, Utah, on the 22nd day of October, 1894, at 10 o'clock a. m. of said day, to pay the delinquent assessments thereon together with the cost of advertising and expenses of the sale.

Name	No. of Certs.	No. of Shares	Amt. Due
Byron Allen	[illegible]	[illegible]	[illegible]
Edward Bell	[illegible]	[illegible]	[illegible]
Edward Bell	[illegible]	[illegible]	[illegible]
James H. Brown	[illegible]	[illegible]	[illegible]
James H. Brown	[illegible]	[illegible]	[illegible]
Christian Christian	[illegible]	[illegible]	[illegible]
Christian Christian	[illegible]	[illegible]	[illegible]
Christian Christian	[illegible]	[illegible]	[illegible]
Christian Christian	[illegible]	[illegible]	[illegible]
Christian Christian	[illegible]	[illegible]	[illegible]
Anna Cook	[illegible]	[illegible]	[illegible]
Anna Cook	[illegible]	[illegible]	[illegible]
Anna Cook	[illegible]	[illegible]	[illegible]
Anna Cook	[illegible]	[illegible]	[illegible]
Anna Cook	[illegible]	[illegible]	[illegible]
Conway A. Pratt et al	[illegible]	[illegible]	[illegible]
John H. Lee et al	[illegible]	[illegible]	[illegible]
Wm. H. Lee heirs	[illegible]	[illegible]	[illegible]
Rosina A. Eldridge	[illegible]	[illegible]	[illegible]
Rosina A. Eldridge	[illegible]	[illegible]	[illegible]
E. H. Rowe	[illegible]	[illegible]	[illegible]
E. H. Rowe	[illegible]	[illegible]	[illegible]
E. H. Rowe	[illegible]	[illegible]	[illegible]
E. H. Rowe	[illegible]	[illegible]	[illegible]
J. E. Hulme	[illegible]	[illegible]	[illegible]
J. E. Hulme	[illegible]	[illegible]	[illegible]
J. E. Hulme	[illegible]	[illegible]	[illegible]
J. E. Hulme	[illegible]	[illegible]	[illegible]
Jane Lawrence	[illegible]	[illegible]	[illegible]
Jane Lawrence	[illegible]	[illegible]	[illegible]
Hyrum Lawson Est.	[illegible]	[illegible]	[illegible]
Hyrum Lawson Est.	[illegible]	[illegible]	[illegible]
Hyrum Lawson Est.	[illegible]	[illegible]	[illegible]
Hyrum Lawson Est.	[illegible]	[illegible]	[illegible]
Christian Christensen	[illegible]	[illegible]	[illegible]
Christian Christensen	[illegible]	[illegible]	[illegible]
Hannah Lawrence