

MURDER AT CLEAR CREEK.

According to detailed reports which have reached this city, shortly before 7 o'clock on Sunday night a terrible murder was committed at Clear Creek, Utah, by Samuel B. Mulberry, a tie chopper and general prospector, his victim being Heber Fullmer, an employe at the Rio Grande Western round-house.

From the facts which have been elicited it seems that the murderer entered Clear Creek early on Sunday morning, on horseback, having a Winchester rifle in his possession. During the forenoon he had been drinking heavily, and was seen shooting at random across the ravine. He played cards during the afternoon in a saloon, and likewise continued his indulgence in drink. When the saloon was closed and while the barkeeper and others were eating supper Mulberry began shooting from the saloon platform into the street. Heber Fullmer passed, accompanied by his wife and four children, on his way home. He took a lantern and lunch pail and started for his work. Frank Jones, car inspector, went and tried to persuade Mulberry to stop shooting into the street. About this time Fullmer returned. Mulberry threatened both in a drunken way. Fullmer told him to go out of town to do his shooting, where he would do no harm. He replied with an oath that he would, stepping off the side of the platform, which is about three feet high. Without saying a word he walked several yards and turned saying, "Now, d— you, I am out in the country," and shot, hitting Fullmer, also firing a second shot at Jones, who escaped by dodging around the corner. Mulberry backed several steps away and tried to recharge his gun, saying he would shoot again, telling a man who had gone to raise Fullmer to stand back or he would shoot him. Fullmer's wife and children now appeared, and Mulberry was persuaded not to shoot among them. He then turned and ran down the road toward home. George Spencer got a Winchester from the saloon and started in pursuit, but finding it not loaded returned and obtained another gun, when a stranger, armed with a rifle, joined him, and accompanied by two men without arms began pursuit. A lady named Wilson advised them of the direction in which Mulberry disappeared. They found the trail and soon saw him climbing up the bank behind some cedars, moving laboriously, as if drunk. He had lost his second bottle soon after starting to run. Darkness prevented any further action, so all returned to await the coming of the sheriff. A man had been dispatched to notify J. B. Fullmer, brother of the deceased, at a tie camp several miles north of town, for whom Mulberry was working.

Sheriff Fowler, of Provo, arrived at 11 o'clock and, accompanied by a posse, went to the camp, meeting Fullmer and the man who went to notify him a short distance from the camp, accompanied by Mulberry,

who reached the camp at sunrise. He claimed he did not remember what he did. He had broken and thrown away his gun, which the searchers found. It contained five shells.

The deceased was found to be shot in the right breast, the ball ranging upward and lodging in the neck. His remains were taken to Springville for interment.

The murderer says he is a native of Pennsylvania, and has friends in Michigan. He was taken to Provo. Mulberry is a son of the man Ferguson who was convicted of murder in Salt Lake thirty years ago and hanged for it, his execution being the first judicial hanging in Utah.

At an inquest held on the body of deceased yesterday, the jury returned a verdict to the effect that Fullmer came to his death by a gun-shot fired by Samuel Mulberry and without any provocation whatever.

THE 2000 MISSING INDIANS.

PIERRE, S. D., Sept. 5.—Considerable interest is manifested here as to the final outcome of the investigation as to the missing of 2000 Indians at Rosebud Agency. During the progress of the Indian Commission last summer in securing the assent of the three-fourth of the Indians to the proposition to open the great Sioux reservation, it was often hinted by the squaw men and others in position to know that if the real number of Indians at the different agencies were known the Commission's labors would be comparatively easy, for the reason that there were a thousand names enrolled, when in fact the Indians had long since passed to the happy hunting grounds, if indeed, they had ever lived at all.

The investigation may find the missing Indians at Rosebud, but there is and has been an idea prevailing among those near the reservation that the number of Indians claimed to exist, and whose names are enrolled, have long since escaped, probably gone to Indian Territory.

But there is no denying the fact that the Indian population in South Dakota is fast dying off. Those who visit the Cheyenne agency frequently bring back the information that consumption and lung and throat troubles are thinning them out, and that among them are few who have not contracted disease of some kind. Even the children born to full bloods are not healthy and robust. There can be no doubt about the demoralized condition of these people in every way, notwithstanding the fostering care bestowed on them by the government, and it will be few years before the Indians as a race will have disappeared from South Dakota. The severe winters and the efforts to have the Indians change their mode of living are responsible for this. The Government may give an Indian a good suit of clothes and he will wear them to town on a cold day, and the chances are that he will trade them

off for half value, returning to the reservation with only a breech clout. The next heard of this Indian, he has the consumption.

CITY COUNCIL CONTEST.

September 10, Judge Zane ruled upon the demurrer which had been interposed in the contested election, involving the seats of three members of the city council. The demurrer was based on two grounds—first, it was brought in the name of the people of Salt Lake City, whereas the defendants held that it should have been brought in that of the people of Utah Territory. The second ground was a misjoinder of the parties, the defense holding that separate trials should have been had in the case of each seat to be contested.

In respect to the first ground of the demurrer, Judge Zane held it to be good, and stated that, in his opinion, the action should have been brought in the name of the people of the Territory of Utah. In regard to the second, his Honor held that the rule which ordinarily requires separate trials in the case of each seat or office contested for does not apply. He ruled that there had been no misjoinder of the parties, and that there was no reason why the same action should not determine the rights of all parties to the contest.

The effect of this ruling is to require the amending of the complaint, which was done today by Mr. Le Grand Young, representing the plaintiffs. The case will be heard some time in October next, and there will be only one trial.

The seats in the city council that are in this controversy are held by Messrs. Noble, Hall, and Cohn, of the Fourth Precinct; but the seats of the sitting members from the Third Precinct are in precisely the same situation, save that suit for them has not been begun.

MILES CITY, Mont., Sept. 10.—A telegram was received today by the coroner, from Tongue River Agency, notifying them that a murder had been committed and the body was awaiting his arrival. The telegram gave no further particulars, but, taken in connection with a letter received yesterday, it is supposed to account for the disappearance of Hugh Boyle, a young cattleman, who has been missing from Lame Deer. It is thought here that he was murdered by Indians. It was only last Saturday that the Indians arrested on suspicion of the murder of Robert Ferguson last May were turned loose, because of lack of evidence, and the Boyle murder following so closely will arouse the white settlers about the Cheyenne Reservation to war. They had declared this summer that if another white man were killed they would send their women and children out of the country and, together with the cowboys, wage a war of extermination on the Indians. This they are abundantly able to do.