

could have got out of the house without assistance; had no idea where he is now; had an impression he was over Jordan, at Mr. Bateman's place; they were intimate friends; did not go to visit him because of the position he placed him in the next day; said that he would not go to see him even if it would save his life.

Judge Adam Speirs then took the stand and testified to having seen McMurrin the evening of the shooting, in the back room of the City Hall, where the wounded man made an ante mortem statement. This statement the Judge was requested to produce.

Miss Mary Roy remembered the night of the shooting, but heard no shots; saw two men at the entrance of the alley from Second East Street; both were a little above the average height, and one had a long, light overcoat on; could not tell whether they were old or young men; they were close to the fence and were somewhat excited.

Arthur Pratt was the next witness. On the night referred to he was just north of the Gardo House; heard five shots; the first two were low, muffled and close together, the other three loud and fast; came down the street then; saw two men jump the creek in front of Mrs. Young's residence, and come towards him; they then turned up the street and disappeared around the corner; both had long overcoats; then went on to McCormick's bank.

Fred Peterson was about two rods north of the alley, on Second East Street, at the time of the shooting; five shots were fired; saw a man run out of the east entrance, about two minutes after the shots were fired; Dr. Burroughs was also there; did not recognize the man as he passed; the doctor said: "What is up?" The man replied: "Nothing," and passed on; he was rather heavily built, and had on a dark overcoat; he had a smooth face; light hair, cut short; did not enter the alley after the shooting.

City Marshal Phillips was called. On the night of the shooting first saw McMurrin in an alleyway immediately north of Henry Smith's; Alfalfa Young gave witness a black felt hat; the hat was taken to McMurrin's house; on the Sunday morning following the shooting he had asked Andrew Smith, the night watchman at the hall, to take the hat to McMurrin's residence and ascertain whether or not it was his. Smith failed to do this, and a short time afterwards Phillips requested Officer Pickett to take the hat to McMurrin and learn what he could in regard to the ownership thereof. Pickett did so and then returned the hat to the City Hall. Afterwards, Smith, not knowing that Pickett had handed the hat, took it down to McMurrin's and left it there; did not know where the hat was; sent for it, but failed to get it; had never talked to any one who claimed to know anything about the case; did not think that any of his subordinates knew any more than he did of the facts. (The pistol taken from McMurrin was produced, and also the club belonging to him. All the chambers of the pistol were full.)

The ante-mortem statement of McMurrin was then introduced as evidence. (It has been published in full in the News.)

Judge Speirs testified that he had not seen McMurrin since the night he was shot; did not know whether or not an examination was made of the alley that evening; the questions in McMurrin's deposition were propounded by witness, Dr. Benedict and others.

Marshal Phillips was recalled, and stated that the club was handed to him by McMurrin in the alley way; McMurrin took it from his bosom; the pistol was taken after he got to the City Hall; McMurrin said he and Collin had met; he struck at Collin, and the latter shot him; did not say with what he struck at Collin.

The proceedings were here suspended to attend to the arraignment of N. V. Jones and Frank Treseder, as noted elsewhere, after which Dr. Burroughs and Mrs. Julia Davis were called, but nothing new was elicited, and the case was continued until this morning.

Wm. Lynch was the first witness called to-day. He was a gunsmith; knew where the Social Hall was; he examined the fence a day or two after the shooting; found two 22-calibre indentations in the wall of the Social Hall, and one in the door; also two of 44-calibre in the fence; there was another mark above the door, making six in all; Carlyle, the stone-cutter, was with him; was not in the vicinity on the night of the shooting. The shots in the fence were a few feet east of the Social Hall; one was near the bottom of the board, the other higher up; a person could not stand on the ground and shoot so as to make the latter mark; there was a knot in the board. (This witness got considerably mixed when trying to explain the direction from which the ball was fired.) There were a number of persons present when he made the examination.

Bishop Alexander McKee was called and testified that he was 78 years of age; he was Bishop of the 11th Ward of this city; the Social Hall was in the 13th Ward; he was not near the Social Hall on Nov. 23, the night of the shooting; was at his home.

Mrs. Ellen Frank lived in the Seventh Ward; passed through the alley near the Social Hall on the evening of the shooting; saw three men in the alley, near the northeast corner of the Social Hall; did not recognize either of the men; it was so dark. The men were on the south side of the alley, close to

the Social Hall door; was only slightly acquainted with Collin.

Abe Hunter was called for, and not being present, an attachment was issued.

Alice Naylor testified that she lived at 233 Second South Street, where she was employed; had talked with "Auntie" Clayton, as the old lady was called, the day after the shooting; did not know where Mrs. Clayton lived; thought she was out of the city.

Fred Sotham was the next witness. He was 16 years old; was in the alley with Collin's boy and Mix's boy the night of the shooting; found two hats, both black; took them into Mix's house; the hats were picked up near the Social Hall; one was a stiff hat, the other soft.

Royal B. Young was sworn and testified that he knew Jos. W. McMurrin; visited him after he was wounded; last saw him about 11 a. m. of the day he left; did not know that he contemplated going away, nor suggested such a course; had not heard from him since; had no knowledge where he now was, nor an opinion, except that he could not go very far; knew of no means of finding him; had tried to see him, but had failed; did not know where to enquire for him. Witness had assisted in nursing McMurrin part of the time; two others nursed him, his friends Angel and McAllister; never heard Jos. McMurrin state where his son was; had not heard where he was; did not suppose it was probable Jos. W. McMurrin was dead; felt alarmed for his safety. Witness had seen McAllister since McMurrin left; did not know where he lived; did not see Angel for some time; saw him after McMurrin left; they had ceased waiting on him before he left; witness had never been told where McMurrin was, nor heard where he went to, or intended to go, except to keep out of the way until he was better.

Bolivar Roberts was called for the defense, and testified that on the morning following the shooting he was in the alley, and examined the bullet marks; of two balls, one struck a post, the other was higher up, and had been fired with a downward range; they must have been fired from above; there was no knot in the board.

Wm. McKay was sworn. This witness testimony agreed with that of Mr. Roberts.

John Pichette was called. He had heard of the shooting; Collin was in his store at 10 minutes past 7 on the night of the shooting, where he purchased some bananas, and asked the time. About ten minutes after this he heard that McMurrin had been murdered by Deputy Collin, and said it could not be by Collin, as he had just been in the store.

U. S. Marshal Ireland was called. On the night of the shooting, Collin was his deputy and had been for several months; he had been performing the regular duties of the office; he was appointed April 10, 1885, and had acted continuously ever since; witness was not acquainted with J. W. McMurrin; remembered a dispute between Deputy Collin and Andrew Bart, in which Collin was assaulted.

Mr. Dickson objected to this, and Mr. Rawlins stated that subsequent to Bart's assault on Collin, the latter had been warned that he would be again attacked, and these things being on his mind at the time of the shooting, he acted as a reasonable man would have done under the circumstances; the assault at the shooting was one of a chain of circumstances of which Collin had received warning.

Objection withdrawn. Marshal Ireland continued that there was considerable ill-feeling by a certain class against Mr. Collin, subsequent to Bart's attack; had conversed with Collin about the affair.

Mr. Dickson objected to introducing the talk between the Marshal and his deputy, unless it was of threats against Collin.

Mr. Rawlins contended that it was not important whether threats were actually made; it might be through rumors. The question was, what were Collin's feelings regarding the danger he was in from a part of the community, who had a desire to wreak revenge, and had a feeling of hatred toward him?

Mr. Dickson stated that the prosecution only desired the examination to be confined within proper limits; the fact that there was an ill-feeling in the community against Collin would not justify him in assassinating any particular person because of that; if McMurrin was one of the persons who was likely to assault Collin, then it would be proper.

Mr. Rawlins stated that Collin did not know, at the time he shot, who assaulted him.

The testimony was admitted on the ground that McMurrin belonged to a class of people among whom Collin was an object of hatred.

Marshal Ireland stated he had received information that there was a plot to assassinate Collin, and warned him; did not know the individual source of danger; it was his opinion the assault would be made in the alley; he informed Collin the threats proceeded from the class in the community who were hostile to the prosecutions for polygamy and unlawful cohabitation; did not state to Collin who made the threats, but that there was a plot to assassinate him; saw Collin after the shooting—about 8 o'clock; this was at witness' house; Collin came there some time before he saw him; witness' stable boy brought the news that Collin had been shot at, and was at his house; witness examined Collin's clothes; he had on two coats, which the Marshal afterward took

possession of; Collin delivered himself up, and remained in his custody until admitted to bail.

The clothing was introduced in evidence, being two coats, two hats, and two shirts. Collin's coats were a black coat and a gray overcoat; there were bullet holes through the left arm, near the shoulder. Ireland said there was a strong smell of powder and fire about the clothes. There was also a bullet hole through the left arm of Collin's shirt and undershirt. One of the hats was brown, the other black. Capt. Greenman and Deputy Gleason were present when Ireland examined the clothing. Afterward, in the penitentiary, Ireland examined Collin for the injuries, which he saw. Collin informed him he had been assaulted and injured. Ireland stated that when he was informed of the danger to Collin "a gentleman came to him and said another gentleman said there was a plot to assassinate Collin; it was on account of the bitter feeling engendered by the Bart affair. Ireland told Collin of the plot next day; he did not know the name of his informant, whom the Rev. McNiece sent; this was three or four days before the shooting; did not know who were the persons engaged in the conversation which it was claimed had been overheard, exposing the plot.

Deputy Miles Mix was called. He was not a deputy at the time of the shooting; then lived in the alley at the Social Hall; was at home when the shooting took place; thought there were five or six shots; saw no one; saw a spark of fire, as though from a cigar of some one passing through the alley; saw Collin in the latter's house a few minutes after; he had his pistol in his hand; it was a six shooter and five shots had been discharged; his wife went to Collin's first; when he got there Collin was trying to take the cylinder out of his revolver; the last shot had not exploded; they reloaded the weapon; Collin said, "Look here," showing his coat, and said he did not know how many shots he had fired, nor at whom; said he had been attacked; Mix and Collin then went east out of the alley, and around by South Temple Street to Marshal Ireland's; when Mix came back home the two hats were there; his wife and son were now absent from the city; he gave the hats to the Marshal; did not know whether or not one of the hats was Collin's. Mix examined Collin's clothing, and saw the holes; Collin's wife and son were also out of town—in California; Mix sent his wife over to Collin's, because he suspected something was wrong; sent his wife because she knew the way, he didn't.

Fred Sotham identified one of the hats; the other did not correspond with one he picked up.

The examination was continued until 2 p. m.

Abraham Hunter was called this afternoon. He knew where the Social Hall was; heard the shooting on Nov. 23rd; he was opposite the Theatre, at a saloon; only heard one shot; saw none of the police; was not near the alley; never said he heard six or seven shots.

E. D. Neff was with Mr. Hunter, whose testimony he corroborated. They did not go to the City Hall.

Dr. S. B. Young testified that he knew Joseph W. McMurrin; attended him as physician; last visited him about a week before he left; heard he had gone away, and called at the house to see him; Dr. Benedict had charge of the case; witness only saw Mrs. McMurrin at the house, and inquired for her husband; she did not know where he had gone, and thought him in a weak condition; witness was anxious for McMurrin's condition, and was piqued at his taking the matter in his own hands, so left him alone; had not heard anything of him since; did not know where he was, and did not have any impression as to where he had gone.

Mrs. Charles Millard was recalled. She was at home when the shooting took place, and afterward went into Mix's; was there when two hats were brought in; identified the brown hat, but was not positive as to the other; Mrs. Collin said the brown hat was her husband's; Collin's boy brought the hats; Mix's boy was with him.

Mr. Dickson asked that the case be continued until Monday, at which time he was informed there was a strong probability that important testimony would be produced.

Mr. Rawlins objected to the continuance, as the prosecuting witness was absent, and asked that Collin be discharged.

The continuance was granted until Monday at 10 a. m.

#### FROM MONDAY'S DAILY, JAN. 25

**Declaration of Principles.**—In Dr. House's office, in Oxford, is a sign bearing the inscription "Anti-Mormon Headquarters." And yet the Dr. is the U. S. Commissioner.

**Burglary.**—On Saturday evening the store of C. B. Durst was broken into by some parties, and about \$12 worth of tobacco stolen. The thieves also made away with an 11-pound dressed turkey.

**Out of Danger.**—The children of Wm. Wadley, of Pleasant Grove, who were reported ill of diphtheria a few days since, are progressing favorably toward recovery, and there are no fresh cases in the neighborhood.

**The Bribery Case.**—N. V. Jones was summoned before Commissioner McKay at 3 p. m. to-day, for preliminary examination, as Mr. Dickson

wished to take some of the testimony. The hearing was to begin at 4 o'clock.

**The Prohibition Writ.**—The arguments on the demurrer to the application of W. H. Yearlan, for a writ of prohibition, were submitted on Saturday evening. The decision will probably be rendered on Wednesday, on the question raised.

**Needle Extracted.**—Miss Millie Cooper of West Jordan, who met with a mishap some days since by kneeling upon a needle which pierced the kneecap, from which she has suffered severely, underwent a successful surgical operation for the extraction of the needle, and is now recovering. Her suffering has been painful in the extreme.

**Grand Jury Work.**—On Saturday the grand jury reported 45 indictments. Of this number 41 were for alleged violations of the United States laws, and four under the Territorial statutes. It is probable, judging from the witnesses who have been examined, that from three to six indictments each have been found by the crusaders.

**Arrested.**—John Jolley, of Franklin, was arrested there yesterday by Deputy Marshal Bennett. That officer having come down on the passenger train from the north, got off just before he reached the town, so as to go in unobserved. The charge against Brother Jolley was unlawful cohabitation with his wives, Sarah Jolley and Laura Atkinson were taken along as witnesses.

**Death From Diphtheria.**—Brother Joseph Bull, Jr., and wife, have the sympathy of their acquaintances in the bereavement which has befallen them in the death of their little son Hubert Leroy, who succumbed to that dread malady, the diphtheria, yesterday morning. No other members of the household have yet shown any symptoms of the disease, and as every possible precaution has been taken to prevent its spread, it is hoped that they may not be further afflicted with it.

**It is a Pity.**—At the close of the Collin examination this morning, before Commissioner McKay, the latter remarked, in severe tones, that the deputy did right in shooting his assailant, and said, "It's a pity he did not kill the others." We, too, think it is a pity he did not at least severely wound the others, but we do not believe he desired to do anything of the kind, for we are satisfied, from the evidence in the case, that if he had killed the others, there would have been mourning in the houses of some of the deputy's friends, if not in the ranks of the deputy marshals. It is, indeed, a pity!

**Wreck on the U. & N. R. R.**—The freight train going north on the night of the 20th inst. met with an accident at Battle Creek, resulting in the displacement of three freight cars and the wrecking of part of the station. It was caused by the falling of a brake. The cars were badly smashed. The conductor had a very narrow escape; he was standing on the platform of the station when the cars struck it and in running fell down and to roll over and over to get out of the way. The three cars were loaded—two each with coal, coke and merchandise.

**A Narrow Escape.**—Mr. John A. Tupper, superintendent of electric light works in this city, had a narrow escape from death on Saturday evening. While the machinery was running at full speed he attempted to connect a wire from one machine to another, and in doing so accidentally touched a wire that was charged with forty lights with his wrist, causing a strong current of electricity to pass through his body. He managed to drop the wire and walked a distance of about ten feet, when he fell forward unconscious. He remained in that condition nearly two hours, and when regaining his consciousness, and as the electricity with which he was charged escaped from his body, his suffering was extreme and his contortions painful to witness. His left wrist, that touched the wire, is badly burned and his right hand is also somewhat scorched.

**Electric Light Company.**—Articles of Incorporation of the Logan Electric Light and Power Company were today filed with the Secretary of the Territory, by whom a certificate of incorporation was issued. The incorporators are Gustave Lundberg, Christian Garff, O. C. Ormsby, Thomas Irvine, Thomas B. Cardon, James T. Hammond, and Aaron F. Farr, Jr. The business and pursuit of the corporation is to build, own, operate and maintain an electric system in Logan City, Cache County, and elsewhere in Utah Territory, for the purpose of furnishing light and heat as well as power for running machinery. The principal place of business is at Logan City, and the capital stock of \$5,000 is divided into 100 shares of \$50 each, fully subscribed for by the incorporators. The directors are, Gustave Lundberg, Christian Garff, O. C. Ormsby and Aaron F. Farr, Jr.; Peter W. Maughan is secretary and treasurer.

**London, 25.**—Consols are three-sixteenths lower owing to the warlike position taken by Greece. The Greek Minister, in an interview to-day, said the Greek King, government and people will fight to the bitter end before they will allow Bulgaria to absorb one hundred thousand people belonging to the Greek race, which she will certainly do if the union of Bulgaria and Eastern Roumelia is recognized. Greece is fully entitled to

the whole of Epirus. England is interfering with the rights and liberties of Greece. I am confident that the Greeks can whip the Turks at sea. As to the land defences of Greece the moment war is declared Macedonia and Albania will be set in flames, thus cutting off the land communications of the Turks and attacks will be made on their seaports.

**BELGRADE, 24.**—Premier Garachinov and the ministers of war and finance have joined King Milan at Nisch.

**LONDON, 24.**—Turkey is making the greatest naval preparations, fearing action by Greece.

**Ayer's Pills** cure constipation, improve the appetite, promote digestion, restore healthy action, and regulate every function. They are pleasant to take, gentle in their operation, yet thorough, searching, and powerful in subduing disease.

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Copied from lithograph, and published in 1889 by Sam. Brannon, of the extermination of the Latter-day Saints from Far West, Missouri, in 1888, with remarks made by the members of that Court Martial, are now ready and for sale. 8x10 size mailed for 60cts.; Cabinets, 25cts.  
Also, The Photographs of the Prophet Joseph Smith, copied from the original daguerreotype, taken at the City of Nauvoo. These Photos, by those acquainted with him, are pronounced the best in existence. 8x10 size mailed for 75cts.; Cabinets, 25cts.

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