

Local and Other Matters.

FROM WEDNESDAY'S DAILY, APRIL 7.

City Council.—The regular meeting of the Council was held last evening, Mayor Wells presiding.

Petition of William Dickinson, asking for the privilege of hauling water to the people of the 20th Ward north bench, free of licence; referred to the committee on licence.

The City Assessor and Collector was allowed further time in which to furnish the assessment roll for the current year.

Petition of Thomas Jenkins and six others, asking that Sixth South Street, between East and West Temple Street, be repaired, and making an offer to hand over \$185 to assist in defraying the expense; referred to committee on streets and alleys.

Bill of expenses of superintendent of insane asylum, for March, \$663.62, was allowed.

Alderman Pyper presented his report of police court business in March, which showed 107 cases had been tried, \$1,073.50 collected in cash fines and \$455 labor fines.

City Marshal and Chief Engineer of fire department presented bill of expenses \$240.21, for March; referred to committee on claims.

A report of the committee to whom was referred the petition of Abraham Taylor, asking for the repairing of the streets near his premises, 12th Ward, showed that the watermaster and supervisor had been instructed to make the repairs accordingly.

The committee to whom was referred the petition of James Marsden, asking for the opening to the public of Eighth South street, between West Temple and Fifth West street, reported favorably, and recommended that the marshal be instructed to notify parties who fenced up the street to remove the fences within thirty days; adopted.

Police bill, for services during March, \$1,023; allowed.

Bill of W. Hyde, for boarding prisoners in March, \$378.90; allowed.

Bill of Salt Lake Gas Company, for lighting street lamps, gas burned at City Hall, Engine House and City Jail, \$823; referred to committee on claims.

Outrageous Proceedings.—From a gentleman from Tooele we learn some facts concerning some very peculiar official proceedings in that part of the Territory.

In conformity with adjournment the County Court of Tooele County should have met at 11 o'clock last Monday, but only selectmen Atkin and Bates put in an appearance, the others delaying to await further advice from certain quarters.

At 2 p. m. of the same day a quorum got together, Probate Judge Foote and selectmen Bates, Atkin and Chase being present, the last being one of the parties mandamus used into office by the same time since Chief Justice, now attorney, McKean.

It appears that the bonds of Mr. Bates had been accepted and acknowledged by the Court, but it was subsequently discovered that an omission in them had been made, in their not being personally signed by himself. On discovering the technical error he at once filed another, the sureties on which were acknowledged by Judge Foote to be good, but they, Foote and Chase, refused to accept and approve them, and, on this ground, ousted him out of office, although he may be consistently considered to be legally in office still, the approval of the first bond being a matter of record, behind which they have no right to go.

Selectman Atkin protested against those proceedings as outrageous and illegal, and left the court in disgust. In his absence Foote and Chase constituted themselves the County Court of Tooele and went through the farce of transacting business, the one making motions, the other seconding and both carrying them. Two items thus attended to by them were the deposing of W. H. Lee, assessor and collector, and the appointment of W. R. Judd to fill that position, and the appointing of one Spangler, of Dry Canyon, to fill the office of selectman, in place of Bates.

The Jones Election Case.—The trial of Nathaniel V. Jones, indicted for assaulting and beating with intent to kill B. F. Whittemore, on the 3d of August last, at the election riot, was commenced to-day. The following were sworn a jury to try the case:

Charles Ellis, Jesse West, George E. Bourne, Daniel Cram, S. F. Nuckolls, Samuel Bringham, Wm. Naylor, M. B. Callahan, Albert Davis, Geo. M. Ottinger, Wm. J. Hooper, De Witt C. Thompson, and Joseph Seigel.

U. S. District Attorney Carey and Mr. McBride conducted the prosecution and Messrs. Sutherland and Snow the defense.

Benjamin F. Whittemore was sworn and testified for the prosecution. Witness received an injury upon his head about six o'clock in the evening, at the City Hall, on the third of last August, at the election. He did not know who inflicted the blows. The blows were given from behind, while he was facing the street, and while his back was to the building. The injuries were on the right side of the head and one upon the shoulder. After he was struck some persons lifted him from the ground, on which he had fallen, and conveyed him away. After about two hours he was considered sufficiently recovered to be taken home, where he was confined to bed by his injuries for sixteen days. He had no quarrel with any body that day.

George Roberts was next sworn for the prosecution. Witness saw Mr. Whittemore at the City Hall on election day, and saw him struck by the defendant over the head three or four times. Whittemore was knocked down, but was not struck after he fell. He fell about six feet east of the front entrance to the City Hall. Whittemore was standing still when he was first struck. Did not see Jones till he struck Whittemore. Jones struck with a "billy," about eight or ten inches long and light colored.

Cross-examined by the defense. Never had seen such a club before as that used by Jones. It was called a "billy." Had not heard any one call it a "billy" who had seen it. Did not know whether it was properly called a billy or not. Did not know whether it was the same kind of a club as carried by the police.

George Shill was sworn for the prosecution. Witness was acquainted with Mr. Jones. He was at the City Hall on the evening of August 3rd, 1874. Saw defendant strike a man, whom he did not know, over the back of the head. He saw three or four blows given. The weapon used was oak colored and about eighteen inches long.

Cross-examined by the defense. Did not see the defendant and Whittemore when they first came together.

Hyrum T. Shurtliff was the next witness for the prosecution. Witness was at the City Hall on the 3rd of August, 1874. Saw Whittemore struck by the defendant. The former was standing facing east and the latter was west of him when the striking commenced. About four or five blows were struck. Witness assisted to pick Whittemore up and take him away.

Capt. Charles B. Westcott was sworn for the prosecution. Witness was at the City Hall and saw defendant come out of the building and strike two or three persons. Did not know whether it was Jones that struck Whittemore. Jones had a club about sixteen inches long; supposed it was a "billy." Saw defendant strike a man named Belding.

Cross-examined by the defense. The occurrence happened between five and six in the evening. Defendant came out of the main front entrance of the City Hall just before the striking. Captain Burt and Sheriff S. W. Taylor came out at the same time. Captain Burt came out first. There was a large crowd, several hundred people, in front of the building, on the sidewalk, and on the street at the time. Understood Captain Burt to be Chief of the City police.

A policeman's club was shown to witness, who stated that it was such a one as used by Jones. All those who came out had similar clubs. Did not see the others strike, his attention being occupied in watching Jones. Belding and Whittemore fell about the same time.

Dr. Allen Fowler was next sworn and placed on the stand for the prosecution. The Witness, who attended Whittemore on and after the 3rd of last August, described the injuries received by him. The brain received a severe shock and the scalp was lacerated. Had to be confined to a dark room for about a week.

Cross-examined by the defense. There was no fracture or indentation of the skull. A case of that kind skillfully treated would generally be expected to result as this did. Should the result be different in another similar case, the inference would be that the injury was more serious.

By the prosecution. There were no symptoms of congestion of the brain, the symptoms being merely premonitory of that malady.

Dr. White was sworn for the prosecution. Witness was called in on the 14th of August last to treat Whittemore. Found him suffering severely from what he considered to be congestion of the brain.

The prosecution rested here.

Mr. Sutherland, for the defense, stated the defendant's side of the case to the jury. In the defense it would not be denied that Whittemore received a blow, nor that defendant inflicted it, but it would be shown that he had a right to act as he did. It would be shown that the crowd assembled outside the City Hall, of which Whittemore was a member and concerning which the witness Westcott had spoken, on election day was tumultuous and in a state of riot. It would be shown that Captain Burt, chief of police, consulted the Mayor of the City about what it was advisable to do. The latter, as the head of the municipality, went to the scene of the riot and, with kind words, advised the disturbers of peace to disperse, advising those who had voted to retire and let those who had not done so come up and deposit their votes peaceably and quietly. Instead of heeding those judicious admonitions the Mayor was jeered and hooted at, and finally was seized and those riotous persons who took hold of him endeavored to drag him into the crowd, while shouts of "Drag him out, kill him," and other similar expressions were uttered. The Mayor was rescued from his perilous position by the police. He immediately went up stairs and out upon the balcony, from which position, as Chief Magistrate of the City, he again addressed the crowd, calling upon them to disperse, and while thus engaged the effects of the brutal usage he had received at the hands of the rioters could be seen, his coat having been torn into shreds. Instead of his second admonition being heeded, he was hailed with hootings, jeers and derision. The Mayor then, as the next and apparently only alternative, ordered the chief of police to take men with him, to go down to the front of the building and disperse the crowd, which order was obeyed, the defendant, Mr. Jones, being one of those called upon by the chief of police to aid him. Captain Burt, from the front step of the City Hall, repeated the command of the Mayor, and instead of the rioters acting upon it they advanced menacingly toward the policemen and when Jones struck Whittemore the latter was about to strike Captain Burt with a cane, and the defendant, in acting as he did, prevented Whittemore from committing a crime, and, acting in the capacity he did, he was justified.

About twelve o'clock the court took a recess till half-past one.

The Jones Election Case.—The trial of this case was resumed in the District Court yesterday afternoon, at half-past one, after recess. Captain Burt, Chief of Police, was sworn and testified for the defense. Witness was chief of police on the 3rd of August, and was then on duty at the election polls, when Whittemore was injured. Witness struck Whittemore himself when that individual approached him as if to attack him. Witness described the riotous proceedings at the polls. Immediately before the Mayor's proclamation witness was up stairs, and in coming down met the Mayor with his clothes torn. The Mayor went upon the balcony, the witness and others accompanying him. The Mayor there repeated his proclamation, stating that if the crowd did not disperse force would have to be used; but there were shouts of, "Shut up," and many opprobrious epithets were uttered by the crowd. The Mayor then ordered witness to take men and disperse the crowd. He took with him W. G. Phillips, Alex. Burt, Samuel Russell, and Mr. Jones, who was a special policeman on duty that day, and was standing in front of the door. Witness, in front of the hall door, repeated the proclamation of the Mayor, when Whittemore and others made a rush at himself and assistants. Whittemore raised a cane in the act of striking witness, when the latter struck him and another man almost simultaneously. Did not see Jones strike Whittemore, but he might have done so.

Cross-examined by the prosecution. The disturbance had continued nearly the whole day, and increased in violence up to the time it was quelled by witness and his assistants. The riotous proceedings consisted of yelling, shouting, vulgar language, jostling and other such exhibitions.

Re-examined by the defense. Whenever any of the police sought to maintain the peace during the day, by restraining persons who interrupted or disturbed the election, they were pounced upon, interfered with and arrested by parties claiming to be deputy U. S. Marshals.

Mayor Wells was the next witness on the stand for the defense. In consequence of information received from the chief of police concerning the riotous proceedings at the polls on election day, witness went to the City Hall. There was a great tumult going on when

he arrived and, as a conservator of the peace, he addressed the crowd from the entrance to the polls, advising them to be quiet and let the election go on uninterruptedly, which seemed to have a modifying effect, until a rabble, headed by J. M. Orr, rushed towards him, as if to take possession of the polls by force. Witness told Orr he had better not come in, when Orr sprang at him, and caught his left hand in both of his and tried to drag him out. Witness braced himself to prevent him doing so, when others reached over Orr and clutched him also and endeavored to drag him out, amid shouts of "Drag him out, kill him," &c. Others from behind took hold of witness and pulled him away from these parties, and when he got inside the doors were closed, as it was of no use to go on with the election until the riotous crowd was quieted. Witness's coat was torn in shreds. He went up stairs and out upon the balcony, where he again addressed the crowd, advising those who had voted to leave, and those who had not and wished to do so to come up quietly to the polls and vote, stating also that, if the crowd did not disperse, force would have to be resorted to, to compel them. The crowd continued their tumultuous conduct. The witness then ordered Captain Burt to take some men with him and go down and disperse the crowd. The captain went down accordingly and from the front step reiterated the proclamation of the witness, and while thus engaged a crowd rushed menacingly toward him, like wild beasts. The police then commenced to quell the mob, and did so in a very few moments. After quiet had been restored, witness heard U. S. Marshal Maxwell speaking. He said he wanted the crowd to leave and that the Mayor and police did right, and he would use his influence in the same direction.

Cross-examined by the prosecution. After Orr had clutched witness's hand and commenced to pull him, Orr said, "I arrest you," but witness was not at all disposed to yield under the circumstances. The crowd, headed by Orr, the latter included, was boisterous and threatening. Witness saw two men struck when the police quelled the mob.

John Sharp was the next witness. His account of the occurrences at the City Hall, while the Mayor was there, was in exact corroboration of the previous witness' statement, excepting the particulars of the attack on the Mayor, as the witness was absent when that occurred.

Feramor Little the next witness, heard a tremendous riotous noise while in his office, and went to the City Hall. In going towards that building he saw a dense crowd in a state of tumult, but the row had subsided by the time he reached the scene.

Daniel W. Jones was next on the witness stand. In addition to giving an account substantially corroborative of previous witness for the defense, he stated that he saw Whittemore acting in common with the rabble during the day.

Roscoe Savage gave an account of the occurrence, substantially the same as that given by the Mayor and others.

David Le Baron was sworn for the defense. Besides giving an account similar to previous witnesses for the defense, he testified that when Captain Burt repeated the Mayor's proclamation, a crowd headed by Whittemore rushed at the Captain, as if to seize him, and Whittemore had his cane raised in the act of striking at him, when Captain Burt struck him. Jones also struck Whittemore two or three times.

Cross-examined by the prosecution. Witness knew Whittemore, because the latter had acted boisterously at the polls at the Court House the same day, and he had, in consequence, asked who he was. Understood him to be a deputy U. S. marshal.

Thomas Hewlett, for the defense, testified that he saw policeman John Y. Smith endeavoring to keep the peace, when he was seized by some men claiming to be deputy U. S. marshals. One of these marshals, named Cody, had a large knife in his hand, exposed, and witness told him to put it up. Smith was dragged out of the entrance to the polls and taken to Commissioner Tooby's office. Witness saw other arrests by parties claiming to be U. S. deputy marshals made in a similar manner.

Stephen W. Taylor testified on

vian from Cache got his intellect mixed by indulging his bibulative proclivities, and, taking advantage of his obfuscated condition, some party robbed him of his pocket book, \$17 in cash, and a return railroad ticket to Cache. The police got hold of a clue, which, by investigation, they found terminated in a young fellow named A. Swenson, who was arrested and placed in jail, pending a trial before Justice Pyper, on a charge of committing the robbery.

Got Pounded.—To-day Mr. Workman, of Farmington, appeared before Justice Pyper and made affidavit that while he was walking in the Ninth Ward last night he saw three men lying across the sidewalk, in that undesirable condition superinduced by imbibing strong stimulative liquors. They were whooping, yelling, and making night hideous on general principles. He said, "Boys, don't you think this is disturbing the peace?" Whereupon one of the three disturbed his peace by seizing him and giving him a most unmerciful pounding, the effects of which are strongly visible upon Mr. Workman's face.

The Perfection of Impudence.—Last night Edgar J. Bain, who was stopping at a lodging house on East Temple street, was robbed of a hat, vest, a small sum of money and some private papers. To-day he visited the Overland House, where he saw Peter Stockfish, alias Angerson, sitting by the stove with the stolen hat on his head. He immediately charged him with stealing it, and on further investigation found that Angerson also had on the stolen vest under his shirt. As there was no policeman handy, Mr. Bain took the thief in charge himself, and when he got him to the City Hall the rascal tried to run off round the back of the building, but did not succeed.

The case was brought before the judicial cognizance of Justice Pyper, who sent Angerson up for 100 days. The latter is a notorious thief.

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