DESERET EVENING NEWS.

Published every day except Sunday at 7 p. m. Subscription price, by carriers, $10.00 per year; $5.00 per six mo; 75 cents per week, payable or delivered by carrier.

DESERET SEMI-WEEKLY NEWS.

Published every Tuesday and Friday. Subscription price, in advance, per year, $6.00; six months $3.00; three months, $2.00, payable or delivered by carrier.

THE DESERET WEEKLY.

A 56 to 72 page Magazine, two columns and beautifully illustrated, devoted to the interests of the Church, family, home, etc. Price, per volume of 12 numbers, $2.00, per year; $1.00 extra.

THE DUMB WITNESS.

The histories of California chronicle briefly, in the section devoted to Los Angeles county, the murder in 1841 of one Nicholas Finck, a German. But naught say these chronicles concerning certain curious details connected with that crime, known to those versed in the unwritten history of southern California, and these matters are set forth as follows:

Fronting the old parish church of Nuestra Senora la Reina de Los Angeles still stands today a long, old, flat-roofed building of two stories, with dormer windowed roof, once the residence of his reverence the bishop of this diocese. This edifice is now the home—the theater, I believe—of the Chinese quarter, and the cross that topped it, so long familiar to the eyes of Angelenos, has been supplanted by the great crimson lanterns of lacquered wood and brilliant hued paper.

Ere this home came to be used as the episcopal abode, Nicholas Finck kept within a little shop, which he filled with liquors, groceries and other miscellaneous wares. From time to time he replenished his stock from the vessels which touched at San Pedro, and when he went down to that port to make his purchases, he was wont to leave his money by with his friends, Charles Baric and his wife Sophie, French people living across the plaza, close by the church, about where is now the site of a modest pantagraph gallery.

One day Mme. Baric discovered that her compadre's door was but opened, and she marvelled somewhat thereat, knowing, first, that no trading vessel was anchored at San Pedro, and, moreover, that Finck always, as his been said, brought his key to her when going afield. And her wonder became alarm when three days passed, and the door remained closed, and there was no sign of her friend and neighbor. So the little Frenchwoman crossed the plaza, her husband having been for some days absent from the pueblo, and she knocked at the door of Nicholas Finck, and, getting no answer, she put first her ear, then her eye and then her nose to the keyhole. The eye saw utter darkness, the ear heard no sound from within, but to her nostrils came an odor at once foul and forbidding that made her limbs to quake, her hair to creep, her gorge to rise and her blood to curdle. And she hastened away with fear and trembling and told her misgivings to Manuel Domqueno, who, in those days, was the alcalde.

Then Don Manuel, seeing that the case, indeed, were an ominous aspect, called on Don Ygnacio Coronel, who held an office corresponding to our present clerkship of the courts, and they went to the house of Finck, with three about alguaciles (constables or bailiffs), who broke open the door, after the alcalde had twice summoned and received no answer. When the ruinous stench that came forth had been in some measure weakened by the inrush of fresh air, they stepped within and at once saw, inside the mirror room, the body of the German, lying near the counter, stretched in a pool of blood, stiffened and decomposing. His head was beaten to pieces, and the barrel of a gun, that had been hammered some-hat toward the form of a blunderbuss, showed the means of his murder.

The officers proceeded to examine the premises, where nothing told, not too obscurely, the story of the crime. Some small cases on the counter and a magnifying glass clutched in the fingers of the dead man indicated that he had been engaged in a dealing of heathen when he was stricken down. That the assassin had rifled the little shop was manifest by the state of the effects, some scattered, some evidently missing; that they had escaped by the door was doubly proved by the barring inside of the street door and by the locking to the inner room of bloody footprints where number and variety of shoe showed that four or five assailants had been present. The living room, behind the shop, had been plundered, but the outer door, leading into the usual corridor and thence to a low walled patio, had been shut, and even locked, from the outside. The searchers opened the door and stepped into the yard.

"They have killed his dog too!" cried Don Ygnacio Coronel, at sight of a great mastiff stretched on his side upon the earthen floor of the corridor. But even as he spoke the creature stirred, slightly lifted its head, gazed dumbly about, and feebly wagged its tail. When they went to him they found that he was tethered by a foot chain, and was gaunt, weak and almost famished, having been without food or water since the day before his master was murdered.

"We must succor this poor creature, not only from humanity, but also as a precaution," said Don Ygnacio, "he might possibly prove to be a valuable witness."

The alcalde looked sharply at the other, as if to see if he were jesting, and the alguaciles grinned broadly. But Don Ygnacio face was serious even to sadness, as behind the curtain, and one of the men was promptly dispatched for food and water, which was administered to the dog.

The discovery of this murder was followed by mild excitement in the pueblo. The easiest judgment—that is not specific Americanos—ascribed it, when it is the crime were a result of race animosities, rather than personal motive, and they called loudly for vengeance, and were loud in their cursing at insecurity of lightning. Guards were posted to watch over the public safety, an ordinance was issued requiring citizens to be within doors by 10 o'clock at night and a volunteer guard was placed over the jail, behind which a small detachment of soldiers were sent thither from Santa Barbara.

And now was set in motion all the complicated machinery of the old Spanish law, not altogether unlike the processes of the French criminal courts, and various vagabonds and suspicious characters were taken into custody. These prisoners were kept under guard of several soldiers, and they were conducted to the alcalde for examination by a corporal. The dog of the murdered man had been given each good care that his strength was fully restored, and he had been brought to the scene of examination and tied within the room.

It was the observant and reflective clerk of the court who first noted that the animal was growling, sullenly and resentfully, as one of the prisoners stood before the alcalde, whose attention so called to the fact by writing a few lines, in which he suggested that this prisoner be retained in confinement until the matter should be cleared. Accordingly, Don Manuel Requena sent away the wretch cringing there, and the guard were directed to bring in another prisoner after a few minutes. Again the dog displayed marked anger and hostility, as he did at each new installment of suspects.

"Let us try an experiment," said Don Ygnacio. "Will you arrange, Don Manuel, to have another guard bring in, one by one in turn, the men who have just been before us?"

This was done, but the intelligent animal, a few moments since so savage, now only looked inquiringly at each arrival, but made no demonstration of enmity. Then a project was found to call back the corporal who first had brought in the prisoner. He was one Rat, ape Lenares, a desperado, very fellow, with a youthful, almost boyish countenance and insinuating manner. He was maneuvered near the dog, and no sooner had he come within reach than the mastiff, bristling and snarling fiercely, sprang upon him and would have throttled him had not these present been Linares out of his fange. Trembling and ashen was the fellow, yet full of self possession, and feigning wonder and indignation when faced with complicity in the murder. He had not even been in the pueblo, he declared, on the night of the crime, it was six day off from service, and he had been at the mission with his mistress, one Eugenia Valencia. Nevertheless, he was at once sent to jail, and that incommunicado that is to say, solitary confinement, where no one could see or communicate with him. And "Send for Ia Eugenia," instructed the alcalde.

This Valencia woman came of a very criminal stock, and she and her family were at the bottom of a vast percentage of the disorder that befell in those days in Los Angeles. The brothers were scoundrels and practically bandits, filthy sons of depraved parents. Another sister lived for many years in illicit bonds with William W——, one of the wealthiest of the foreign residents, whom it were hardly kind to indicate more clearly, since his descendants still live among us. After she had borne this man three children his jealousy of her flagrant infidelities led to a scandalous shooting affray, notwithstanding which he would still have married her, but that the authorities banished her from the pueblo as a measure of public safety, and she died some years later at Mazatlan, where W——, because of his vested interests here, could not follow her. He sent, however, for her children, and educated them with his legitimate children, he having married meanwhile one of the Lugos from Santa Barbara. Of such a strain—resinin, bold, unscrupulous—was the woman whom Manuel Requena, the alcalde, sent to fetch from San Gabriel.

His messengers took her all unawares, she had not even heard that the murder was discovered, and so when they had secured her, the officers searched her dwelling and found handled away there in a large quantity of the effects and clothing plundered from the murdered German. The officer who arrested her did not fail to impress upon her the significance of this fact and its tendency to criminate her. Then when she arrived at the courtroom she was quaking, full of terror and an abject conviction that her own liberty and her own life were in peril. Under the stress of this fear, and almost without waiting to be questioned, she hastened, when brought before the alcalde, to declare that she had been in the company of the men who had killed the German and that she had been a witness to his sharing the use of cocoa put into requisitions immediately.

Santiago Linares was now told that one of his accomplices had confessed, and had named him as the chief offender. Upon this, quoted not more by fear than by anger and vindictiveness, he made a declaration implicating Asencio Valencia, a brother of Eugenia, and another bad character of the pueblo, one Jose Duarte, whom he had, he said, accompanied upon that fatal evening, and he was aware of the purpose of their enterprise.

The two men he named were promptly arrested, and they, when they learned of their accomplice's confession, began a perfect siege of security for frenzied protestations and disclaimers, each alleging his own innocence while implicating the others. The discrepancies between their statements were carefully noted, and the discordant witnesses were brought together in accordance with that feature of the Spanish law known as "confrontation." These comparisons of statements resulted in the elimination of much substructive falsehood and the establishment of many facts upon which they were all agreed.

Thus it was proved that the gun barrel found beside the murdered man was owned by Asencio Valencia, who had adapted it to the uses of a cracker. On the night in question, the four—Eugenia Valencia, Asencio Valencia, Linares and the third man—had gone to the house and knocked at the door of Finck. The German was naturally of a cautious and suspicious mind, and, there being at the time much lawlessness and crime in the pueblo, he refused to open the door, this, indeed, being a precaution he always exercised. The woman Valencia, however, went him to admit her, saying that she had a valuable jewel which she had brought to pawn to him under the stress of great need.

Finally, after much urging, Finck set the door ajar, and Linares at once thrust his foot within the crack to prevent its closing again. Eugenia pressed through the opening, and the others pushed closely after her, and when within closed the door behind them promptly.

As yet no offensive demonstration was made, but when Finck, doubtless wondered, measured by Eugenia's tendering of the jewel she declared she had brought with her, fetched a magnifying glass and bent over to examine the offered plaything, the heavy gun barrel was brought down with a crash upon the head of Finck, who was killed by the blow and immediately beaten to death with the same weapon. Here was the point of variance. No two of the men agreed as to who did the actual slaying, and Eugenia professed ignorance in this particular. The concurrence of statement further showed that after the murder the assailants had looted Finck's shop, securing about ten dollars in cash, but few, if any, valuables, as the German's scattered labels precluded his keeping such at hand. Eugenia, full of reaction at Duke Bille profit, made up a bundle of the man's clothing and other effects, and the four left the premises, first removing the front door on two its sills and giving out by the rear.

Now, according to the Spanish law, their confessions of complicity were taken down and signed, and they were directed to bring in their prisoner after a few minutes. Asencio the dog displayed marked anger and hostility, as he did at each new installment of suspects.

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