'TWAS A DARK DEED!

Revival of the Circumstances Relating to the Murray Tragedy.

AN EFFORT TO SAVE THIEDE'S LIFE.

The Motion for a New Trial Argued by Judge Cherry: Incidents in Court.

Another chapter in the Thiede murder case was opened in Judge Bartch's division of the Third district court this morning, when Judge Cherry, the defendant's counsel, introduced his motion for a new trial.

Just upon the stroke of 10 o'clock Thiede entered the courtroom, having arrived from the penitentiary—where he has remained confined since his conviction on the capital charge—a short time previously, attended by a deputy marshal. His little daughter Annie, his constant companion throughout the long and weary trial, was there to greet him, accompanied by a couple of ladies. The little one was seated against the bar enclosure, facing the judicial bench, and upon seeing her father enter her face brightened and she rose slightly to welcome him. The first thing Thiede did was to heartily grasp his daughter's hand and simultaneously bestow upon her an affectionate kiss. Then he shook hands with the two ladies who were seated beside her, and likewise greeted familiarly to several persons whom he had recognized among the crowd present. Judge Cherry at this time went up to Thiede, took him by the hand and engaged in a brief whispered conversation.

During the entire forenoon the defendant remained seated next to little Annie. He is looking much better than at the trial, his face being the very picture of health and contentment, and he evinces no more concern regarding his position now than he did before his fate was given into the jury's hands, nearly two weeks ago. He wore a black suit, with a tan coat, and his shoes were spotlessly white. As on some day of the trial, ladies were again present in conspicuous numbers.

At the end of a table close to Thiede sat Deputies Richardson and Attorney Benjamin S. Smith, associate counsel for the defense. Nothing was brought into court just prior to the opening of the proceedings, which was the verdict of the jury in the case. He whiled away a portion of the time by carelessly looking over a newspaper, and, like always, appeared quite unaffected by his fate.

Judge Cherry started in by stating that with the motion for a new trial he had sent a notice to attorney for plaintiff, and he proceeded to argue from memory. This was a case, he said, of great interest and importance and he entered upon his task this morning with a deep sense of great responsibility. Counsel, in the first place, wished to save his exceptions to the court's instructions upon several points, which he enumerated. Among these, he excepted to that portion referring to the defendant's constitutional rights, to the court's definition of the term "reasonable doubt," and to the question of circumstantial evidence. Proceeding with his argument, Judge Cherry remarked that the jury seemed to have overlooked a very important duty in having failed to give the weight and credit to the testimony of Scott which called in question. They could not have got their minds satisfied upon the instructions which the court gave them. There was, he insisted, such a reasonable doubt left that had the jury acted according to those instructions and upon the testimony on that point they could not have found the accused guilty. The evidence showed no absence of motive, and the only part of it that could have gone against him was the side of mistreatment of his wife. Counsel essayed to carefully review the main ingredients in the general testimony, and laid particular stress upon Thiede's conduct after the tragedy—the manifestations of grief and anguish upon the discovery of his wife's dead body. But all this had been charged to be counterfeit without any grounds for it. As to the blood upon defendant's clothing, Judge Cherry asked would not Thiede, had he been guilty, have tried to wash the stains therefrom before raising an alarm? For he might easily have done so. The fact of Thiede having succeeded that his wife committed suicide was a circumstance in his favor, if he had been the murderer—as it is reasonable to suppose that he would have thrown the knife away or placed it beyond reach. Had the knife been left at the spot it would have gone to support the suicide theory. Counsel covered much more ground and then went on to deal with alleged errors of law. He was specially emphatic when contending that an error was committed by the court in allowing certain witnesses, over the objections of the defense, to give their opinions and conclusions on certain matters. This should have been permitted only in the case of expert evidence. A number of legal authorities were cited in support of this portion of the argument. But perhaps the strongest point of all was made by Judge Cherry this afternoon, and upon it he largely relies for the granting of his motion. This in regard to Junior Morgan having been permitted to act as interpreter during the trial in the examination of various witnesses who testified in the German language. The judge commenced his arguments at 10:30 and Attorney J. W. Cherry then spoke briefly in support of the motion. He was followed by Assistant District Attorney Howat, who had taken copious notes on paper during the arguments of counsel for the defense, and seemed to have prepared himself for an extensive reply. Judge Bartch was speaking when the NEWS reporter left at 12:0.

Political Meetings.

There was a very large attendance at the Theater last night to listen to the political debate between Judge Powers and Judge Goodwin. The meeting was presided over by Hon. E. B. Critchlow and applause was generously given to the speakers.

A big Democratic celebration at the Continental Market hall this evening in one of the political events of the campaign. Judge Powers and Fisher Harris are the principal speakers. Members of the society will meet at the Knickerbocker at 7 o'clock where they will fall into line and march the march to the Market hall at 7:30.

The Second precinct Democrats are attending to a big meeting in the Continental Market hall Saturday night. The speakers will be Hon. F. L. Williams, O. F. Whitney, W. C. Hall and others.

The Workingmen's Central Republican club has arranged for a rally at the Central theater Saturday evening, Nov. 3rd. A torchlight procession will be one of the features. The speakers will be C. S. Varian and Colonel M. M. Kaighn.

Students' Society Program.

Following is the program for the Students' society this evening:

Song ..... J. W. Larkin
Lecture, The Earth ..... S. W. Jeppson
Song ..... Students' Society Quartette
Humorous Fiddling ..... John Sharp

The public are cordially invited.
CARL BADGER, President.

Priesthood Meeting.

The next meeting of the Priesthood of the Salt Lake Stake of Zion will convene in the Assembly Hall, Salt Lake City, on Saturday, November 3rd, at 11 a. m.

JAMES D. STERLING, Clerk.

OGDEN.

OGDEN, UTAH, - NOV. 2, 1894.

Exciting Scene in Court.

The Glassman and Rogers case is the absorbing topic here. At 1:30 Judge Smith was prepared for the resuming of the libel suit brought by L. H. Rogers against William Glassman, but the defense was not prepared, as they wished to subpoena Broad the sheepherder, who was tried for the murder of Thomas Lowe one September.

An exciting scene here transpired. Rogers arose from his seat and pointing his finger at Mr. Glassman, applied a vile epithet to him.

Glassman jumped to his feet and said earnestly, "Your honor, this man has just called me a —— —— ——. I ask that I be granted the treatment of a gentleman in your presence."

Judge Smith, not hearing the remark of Rogers, was taken by surprise and asked: "What, in this court?"

Rogers replied: "I did not; I offer to swear I did not."

John D. Murphy declared: "He did say it. I was within five feet when he said it."

Judge Smith said as he did not hear the remark he would pass over the matter, but that he would "have no more of that nonsense."

Attorney Murphy asked for a continuance, which was refused. Court adjourned till 2 o'clock, when Mr. Glassman appeared. He asked examination and was bound over to the grand jury in the sum of $2,000, which was immediately furnished.

Five Boys Arrested.

Five boys were arrested by a deputy marshal. They were celebrating Hallowe'en, and had carried away gates, overturned picket fences, etc. They were lodged in the county jail and about midnight were released upon promising to appear before Judge Porter. They were discharged on paying jail costs.

Died in the Hospital.

George Washburn died in the Union Pacific hospital from injuries received in the railroad yard at Green River. Deceased was an employee of Government Washburn of Oregon. His father who came to Ogden yesterday, stated that the young man had always been inclined to a roving life. The unfortunate man leaves a wife in Ogden who the father proposes to recognize. She is left without means of support. The remains will be taken to Portland, Oregon, by the father. The widow will return to her parents at Golden, Colorado.

PROVO.

PROVO, UTAH, - NOV. 1, 1894.

The Sheep Shear Assault Case.

The first witness in the case of the People vs Maitland Dunn and Tom Morgan, was Robert Gibson of the Millard County Globe who was sentenced to county prisoning attorney at the time of the assault. He drew a map of the place where the encounter took place.

Jeremiah Palmole testified in regard to the affray. He claimed to have been born in America; talked very rapidly and with a lisp on account, and gave a very lively and excited account of the circumstances which led up to the assault. He claimed that Dunn had stolen some of his effects from his cabin some time before the assault, and when he accused him of it defendants commenced the assault. Morgan held witness while Dunn inflicted the wounds.

Sheriff Hawley, of Millard county, testified that he had arrested defendants about midnight on the day of the assault. At that time Palmole was in a bad physical condition, and was in bed. Witness traveled at the rate of about 100 miles a day. He arrested Dunn in Secret Creek canyon, Nevada. They had traveled no unfrequented road, heading for a station on the Southern Pacific railway. They claimed they were hunting work.

Mr. Palmole was recalled for further cross-examination, and testified as to the place where he was at work, when Dunn and Morgan came up. He also pointed out the places where he was wounded. He had borrowed a gun from Bill Hamilton to march himself from Alex Dunn. He had never threatened to kill Maitland Dunn. Witness retired and took off a portion of his clothing and exhibited the wounds to the jury.

Assistant Prosecuting Attorney Dixon, of Millard county, testified to the capture of Dunn and Morgan, he having been with Sheriff Hawley. He also testified that he considered Palmole's condition very critical when he saw him after the assault.

Prosecuting Attorney Thurman announced that he would put on no more witnesses.

Attorney King stated the case for the defense. The defense would show that previous to the day of the assault Dunn and Morgan had made arrangements to go out of the Territory to find work. Before they left, Dunn was going to Alfred Dorrit's place to get some wool, and a Mr. Holland had informed him that Palmole, who was working at Dorrit's, had threatened to kill him and he cautioned Dunn against getting into any trouble with Palmole. This was the reason he had asked Morgan to go along. When they arrived at Dorrit's place, Dunn commenced to talk to Mr. Dorrit, and Palmole came in and began to abuse Dunn, calling him all manner of vile names and accused him of stealing. Dunn told Palmole he did not want any trouble, and told him to stop talking to the peaceable he was. Palmole then picked a sling shot out of his pocket and struck Dunn on the neck. Dunn then stabbed Palmole with the sheep shears in self-defense. Morgan had a pistol at the time of the encounter, and if the defendants had had any design upon the life of Palmole, contended the Chief Morgan would have shot him. Morgan had not taken hold of Palmole till after the stabbing was over. Defendants remained at the place where the assault was committed for several days and had not gone away for fear they was impeaching. Then they had to work with the proprietors at Warm Creek where they were to leave a team they were begged for.

Alfred Dorrit was the first witness called. He recalls the whole affair on the morning of the 11th of June. Dunn engaged in a conversation with witness. Palmole came into the barn where they were talking, and asked if witness was through talking to Dunn; witness replied that he was not. Palmole then commenced to call Dunn vile names, and struck him with a piece of lead pipe on the back of the head. Morgan did not hold Palmole while Dunn was stabbing him. After Palmole had struck Dunn with the sling shot, Dunn stabbed him several times with the sheep shears.

On cross-examination, witness said he did not see Palmole; he had not seen Palmole strike Dunn with a slap shot; he had seen the two herders engaging a scuffle of lead in Palmole's pocket. He had not told Sheriff Hawley after the affray that Dunn had attempted to commit a cold-blooded murder. Witness was asked in regard to a statement he had made to Bill Hamilton, and to refer to a statement that Hamilton was a —— liar. Upon being reminded by the court, he rather believed that his remark was true.

On re-direct he explained that the reason he did not like Palmole was because Palmole owed him money.

Alfred and Evelyn Dorrit, Ben Gallegher and Alex Dunn testified concerning the fight, in line with the theory of the defense. Other witnesses testified that Dunn had a lump on his neck after the fight.

Defendant Dunn then went upon the stand and gave the account of the affray, which accorded with his statement to detectives given in the morning.

Tom Morgan, the other defendant, corroborated the testimony of Mr. Dunn. He had not told Palmole what Dunn was stabbing him. After the row was over he said: "Palmole, though the man is dead, I have to go to the house because he was badly hurt."

On cross-examination Mr. Dunn said witness if Dunn had told him on the way down to Dorrit's place that he expected Palmole to kill him on sight. Witness replied that he had only if he had he (Witness) would have gone back.

The case was argued this forenoon and was submitted to the jury this afternoon.

OTHER CASES.

In the case of V. L. Thomas et al vs F. K. Morris, trustee, an order was made for the clerk of the court to hold the case till Wednesday morning, in order to give Messrs. Kelling and Critchlow an opportunity to present their claim for a portion of the costs in the court.

Henry Kay, of Mona, a native of England, was admitted to citizenship. Mr. Kay took out the first papers over twenty years ago in this county.

In the case of George A. Lowe vs David Stewart et al, decree of foreclosure for $500.20, $50 attorney fees and costs.

Jas. Jensen vs Spring City Canal; dismissed at plaintiff's cost.

Harvey Dewey vs J. R. Miller; demurrer withdrawn and defendant given 15 days to answer.

The People vs George T. Hilliday and Lou E. Hardy; defendants allowed to withdraw their pleas of not guilty for the purpose of entering a demurrer to the indictment.

The National Bank of the Republic of Salt Lake City and others have commenced a suit against Wm. Glasscock and T. A. Clawson. Plaintiffs set forth that they have unsatisfied judgments against Wm. Glasscock amounting to $4,771.20; that on the 26th day of April, 1894, defendant Wm. Glasscock purchased at sheriff's sale at Nephi certain mining property in the name of his son-in-law T. A. Clawson; and pray for a decree subjecting this mining property to be the property of Wm. Glasscock held in trust by T. A. Clawson for Wm. Glasscock and his creditors. Smith, Lowe and Gray and Day and Street are attorneys for plaintiffs.

Apostle F. M. Lyman is visiting his daughters, Mrs. King and Mrs. Hoxie in this city.

Charles Long, aged 75, and Lois Clark, aged 55, both of Pagsah, were married by Judge Dusenberry yesterday.

John M. Zane will address the citizens of Provo this evening in the opera house on Republicanism.

Charley's Aunt will be presented by Frohman's company, at the opera house, Monday, November 12th.

Clerk Beasley of the First district court went to Manti this afternoon to take applications from candidates for citizenship.

M. Lenning was brought before Commissioner Dodge this morning charged with assaulting a brakeman on the R. G. W. train at Tintic yesterday. He got on the freight train and when the brakeman told him to get off he pulled a revolver. Defendant claimed the revolver fell and he picked it up; that it was not loaded and that he had no intention of assaulting the brakeman. Commissioner Dodge imposed a fine of $1 and costs. The man is a stranger and had some money but refused to pay the fine and was committed to the county jail. He intimates he will appeal.

OBITUARY NOTE.

ABRAHAM HOLM.

Abraham Holm, son of David and Elizabeth Bodman Holm, was born February 22, 1836, in Chesterfield county, Penn. He came to Utah in 1854, locating in Mill Creek ward, where he has ever since remained, and died on the 26th day of October, 1894. Deceased all the years since his entrance into the valley of the Deseret has been a consistent and laboring member for the building up and the enlargement of Zion. It has been the ambition of his life to be able to assist the needy and to take a part in all the material enterprises connected with the progress and advancement of the people of Utah. When the mother mantle of war spread her glowing folds over her people, he was on hand, sending them of his boys in her defense and helping many others and while he was of a quiet and kind disposition, yet in all that was needed for local or public emergencies Father Holm was to be relied upon, the name is revered in the grand society of High Priests, and many there to whom to leave behind who will shield his memory. He leaves a wife, five sons and four daughters and a large family of children and grandchildren to mourn his loss.

The funeral services were held in the Mill Creek ward meeting house Sunday, Oct. 28th, Bishop Jos. Smith presiding. After the opening hymn, prayer was offered by James Walker. Another hymn, "My Father was a benevolent soldier," was sung, after which the meeting was addressed by the following brethren: Jos. H. Hill, John Cook, James F. Warren, N. H. Bennion, Henry Tuckett, Bishop Holm, Patriarch Washington Lyman, Jos. E. Taylor, Jos. Bennion and Bishop Jos. Smith. The speakers dwelt upon the good, true, honorable, and exemplary life of the deceased, and numerous incidents of his life were related, illustrative of his kind, and faithful devotion to the principles of the Gospel. A long train of relatives and friends followed the remains to the last resting place in the Mill Creek ward cemetery.

J. W. R.

LIST OF LETTERS.

Remaining uncalled in the Post Office at Salt Lake City, for week ending Nov. 1, 1894. In ordering any of these letters the applicants should ask for "Advertised letters," and give the date of this list. If not delivered within two weeks from date they will be sent to the Dead Letter office at Washington, D.C.

LADIES' LIST.

[illegible]

GENTLEMEN'S LIST.

[illegible]

A. S. WALL, Postmaster.

COMMERCIAL.

SALT LAKE CLEARING HOUSE.

Today's business across clearing-house amounted to $[illegible]. Same day last year, $[illegible].

TODAY'S QUOTATIONS.

New York.—Silver, [illegible] cents, $[illegible].
London.—Silver, [illegible] d.

ORE AND BULLION.

McCornick & Co. received today: Bullion, $3,000; silver dore bullion, $2,000. Total, $5,000.

Wells, Fargo & Co. received today: Bullion, $4,[illegible]; ore, [illegible]. Total, $7,[illegible].

J. R. Boyle & Co. received today: Bullion, $5,[illegible]; ores, $[illegible]. Total, $12,[illegible].

REAL ESTATE.

Transfers filed in the office of the County Recorder, Nov. 1, 1894, furnished by Edward Maw & Son, Real Estate Brokers, Dominion Bank building:

E. H. Rudger to Cornelia Weed, part of lots 1, 2, block 5, plat A, Salt Lake City survey ..... $[illegible]
Louisa Pace et al to George A. Lowe, part of section 16, township 2 south, range 1 east ..... [illegible]
Chas. W. Bancroft et al to Chas. Peter Dupont, part lot 4, block 3, Dooly's survey ..... [illegible]
John H. Salter et ux to Mary E. Wolfe, lots 6 and 20, R. Salt's addition ..... [illegible]
J. R. Boyle, C. A. to Lewis F. Kesler, lot 5, block 27, plat B, Salt Lake City survey ..... [illegible]
Carrie L. Middleton to Lewis F. Kesler, lot 6, block 27, plat B, Salt Lake City survey ..... [illegible]
Carrie L. Smith et ux to Jane A. Smith, part of lot 10, block 10, plat A, Salt Lake City survey ..... [illegible]
John A. Smith to Mary E. Smith, part of lot 9, block 10, plat A, Salt Lake City survey ..... [illegible]
Eugene L. Hunter et al to Lewis C. Hunter, part of lot 4, block 3, plat A, Salt Lake City survey ..... [illegible]
Harriet McMillan to John J. McMillan, part of lot 6, block 10, plat A, Salt Lake City survey ..... [illegible]
Harriet McMillan to Mrs. Mary Smith, part of lot 6, block 10, plat A, Salt Lake City survey ..... [illegible]
Harriet McMillan to Mrs. Ella Edmundson, part of lot 6, block 10, plat A, Salt Lake City survey ..... [illegible]
John A. Smith et ux to Charles A. Smith, part of lot 10, block 10, plat A, Salt Lake City survey ..... [illegible]
Sarah M. Lambert et al to Mrs. Ella Edmundson, part of section 16, township 1 south, range 1 east, Salt Lake meridian ..... [illegible]
James H. Wolfenden et ux to Mary Ann Wolfenden, part of lot 3, block 2, plat A, Salt Lake City survey ..... [illegible]
George Q. Morris to Emma K. Morris, part of lot 1, block 2, Hooper's addition ..... [illegible]
Sara E. Morris to George Q. Morris, same property ..... [illegible]
James Kea et ux to Mary Ann Jensen, part of lot 1, block 2, Hooper's addition, Salt Lake City survey ..... [illegible]
Dennis Toohey et al to F. L. Pierce, part of lot 4, block 37, plat B, Salt Lake City survey ..... [illegible]

STOCKS AND MARKETS.

NEW YORK STOCKS.

[illegible]

CHICAGO STOCKS.

[illegible]

OWNER.

Has unclaimed dollars, [illegible] of cards and envelopes, on Lexington and 47th streets, on the elevated railroad, on Broadway and Seventh Avenue, on Fifth Avenue and Seventh Avenue, on Sixth Avenue and Seventh Avenue, on Eighth Avenue and Seventh Avenue, on Ninth Avenue and Seventh Avenue, on Tenth Avenue and Seventh Avenue, on Eleventh Avenue and Seventh Avenue, on Twelfth Avenue and Seventh Avenue, on Thirteenth Avenue and Seventh Avenue, on Fourteenth Avenue and Seventh Avenue, on Fifteenth Avenue and Seventh Avenue, on Sixteenth Avenue and Seventh Avenue, on Seventeenth Avenue and Seventh Avenue, on Eighteenth Avenue and Seventh Avenue, on Nineteenth Avenue and Seventh Avenue, on Twentieth Avenue and Seventh Avenue, on Twenty-first Avenue and Seventh Avenue, on Twenty-second Avenue and Seventh Avenue, on Twenty-third Avenue and Seventh Avenue, on Twenty-fourth Avenue and Seventh Avenue, on Twenty-fifth Avenue and Seventh Avenue, on Twenty-sixth Avenue and Seventh Avenue, on 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