

more about it. While I do not know that it would be safer if a person wanted to know which woman came under the legal status of the law, that he be married to one of them.

Mr. Marriott—I want to understand it, because I do not want to be caught in a trap when I come home.

Court.—With that understanding what can you say to the court respecting the future?

Mr. Marriott—I have nothing to say respecting the future.

Court.—You wanted the information so that if you concluded to obey the law when you came home you could. You do not wish to avail yourself of the privilege that the courts give in this kind of cases. You have been convicted on your plea of guilty. The sentence of the court is that you be confined in the penitentiary for a period of six months; and pay a fine of \$100.

THE THOMPSON "TRIAL."

No Conflict Between the Prosecution and Defense.

ALL ACT IN CONCERT AND THE VERDICT IS "NOT GUILTY."

A Vile Proceeding and a Shameful Conclusion.

Special News Correspondence.]

BEAVER, Jan. 7th, 1887.

The District Court of the Second Judicial District met at 10 a. m. on the 6th inst. to try the case of the People vs. William Thompson, Jun., for the killing of Edward M. Dalton. Thirty petit jurors were subpoenaed from Marysville, Silver Reef, Star and Frisco and 3 from Beaver, all non-Mormons, who put in their appearance. The witnesses were called and all answered to their names.

MODEL JURY TIMBER.

Joseph Hoag, a juror, a citizen of the Reef and an ex-deputy marshal of Nevada, who is considered a tough customer, stated he had made up his mind from what he had read and heard of the case, and no evidence that might be adduced in the trial could change it. He was excused.

Mr. Martin, from Shabutte, in 8th district, Beaver County (and, by the by, one of the grand jurors who found the indictment against Thompson, also one of the party who met him beyond Paragonah), was subpoenaed as juror on the trial of the defendant. When his name was called he walked up to the box like a prince. The Court, taking in the situation, asked him if he was on the grand jury; he replied in the affirmative and was excused.

Mr. Cuss (suggestive name!) an ex-soldier, and resident of Beaver, who had recently served as a petit juror, passed for cause, but was challenged peremptorily.

Alexander Keyes, brother to Robert Keyes, who went to meet the prisoner, passed for cause, but was challenged peremptorily; also, J. M. Bolter passed for cause and was challenged as above. Thus disposing of the three jurors from Beaver City.

One juror was excused on account of being sick. Two others were biased and were excused. Twelve out of the nineteen names called answered satisfactorily all the questions put by the prosecution and defense and were sworn in as jurors to try the case.

THE "TRIAL."

Doctor King, of Parowan, was the first witness. He testified that about fifteen minutes after the shooting, he found Dalton lying on a lounge in Page's front room. Before he died he vomited blood and froth. The prosecution asked the cause of the vomiting, if it was not an evidence of his bowels being shot. The doctor thought not; stated it might have been caused by the fall from his horse. The wounded man was carried from Page's to his mother's residence, but expired between Page's house and the bars leading to the street. He lived forty-five minutes. In the evening he probed the wound. Mr. Varian stripped off his coat and vest, and had the doctor show the jury where the bullet entered the body, which was between the second and third ribs on the left side, ranging a little up and to the back. Held no autopsy, but was satisfied the ball lodged in the vertebrae. In the cross-examination, nothing was elicited conflicting with the foregoing.

COLLINS CLARK

was the next witness. He testified that he started from E. L. Clark's corral with about 75 head of cattle to take onto the range. Dalton put a cow and calf into the herd, then rode to his mother's for a cow belonging to her. Dalton caught up with the herd on the street near Page's barn. After turning the corner going southward, Dalton remarked that his calf was weak, and not to earmark it till it got to camp lest it might give out. I showed him a calf that I thought would give out; this was on or near the centre of the street, headed in a southwesterly direction. I was a little north and west of it. Dalton and opposite the north line of Page's house. I heard one shot coming from the southwest corner of Page's house; slightly turning my body round to where the shot came, saw Thompson and Orton inside of yard on the south line of Page's house; saw gun in hands of Thompson, taking aim at Dalton and

IMMEDIATELY FIRED.

Dalton fell on to the horse's neck, holding on to the mane until the horse went five yards, when Dalton fell to the ground. Brigham and J. H. Brown were along, driving the stock also.

In a rigid cross-examination he did not deviate from the above points. After the shooting rode up town and told four individuals that deputy marshals had shot Dalton. Gave his affidavit before the County Clerk of Iron County; George C. Lambert, of the DESERET NEWS office, obtained it to publish, and testified now as he did then.

BRIGHAM BROWN

was driving cattle from Clark's corral; the parties driving were Ed. Dalton, Collins Clark, J. H. Brown and M. Haltermann. When in front of Page's house, Dalton was riding a little ahead and to the right of him; heard the shout of "halt, halt," then the report of a gun; saw Thompson and Orton in the yard of Page; Thompson had the gun up to his shoulder. On cross-examination he stated that when Dalton fell, his horse was loping in a westerly direction. Dalton raised on his hands and knees. Did not give any affidavit to George C. Lambert. Dalton had no coat or vest on; had nobody on the horse with him.

JOHN H. BROWN

stated that he met Dalton at his mother's corral; helped him to drive his mother's cow to the herd, which he overlooked east of Page's barn. I took the south side of the herd and did not notice Dalton until after he fell from his horse. After turning to the south towards Page's house, my attention was attracted by Barbara Lyman, who was waving her hands and shouting, "Oh, Ed." I turned and looked to the east to Mr. Page's house and saw Wm. Orton running with a pistol in his hand from Page's porch to the fence, shouting, "Dalton, stop!" Dalton stopped, when I heard the report of a gun. I looked to see if any one was hurt and saw Dalton fall from his horse, wondering who had fired the shot, as I kept my eye on Orton. Then saw Thompson setting his gun against the fence. He came through the bars to Dalton, putting his hand upon his shoulder and speaking to him, but did not know what he said. Thompson called for help to carry the wounded man into the house. Myself, Thompson and Orton carried him through the bars into Page's back door. Dalton's horse was loping in a westerly direction when Dalton fell; was on his knees and elbows.

Court at this point adjourned till Friday at 10 a. m., when the so called "TRIAL" was resumed.

J. H. Brown, who testified yesterday, was recalled and cross-examined.

Was introduced to Geo. C. Lambert by Edgar Clark or L. D. Watson. Went to Page's where the homicide occurred, to show the positions of the parties. Made affidavit of the facts; was sworn to before William Davenport, county clerk. Lambert wrote as I stated; never asked if Dalton ran. Dalton would have submitted to arrest. He was not evading the officers. Was off carrying mail. I know the horse he was riding when shot; it was an average saddle horse.

Collins Clark recalled and cross-examined: Knew Dalton had been arrested for cohabitation. Saw him when under arrest. Did not take any interest in Dalton's escape from the officer. Did not render Dalton any assistance to have him get away. Did not know that Dalton meant to get away. Did not assist him to a horse. My sister is Dalton's wife. I

REFUSE TO ANSWER

whether she is the first or second wife.

Here the attorneys argued the point of witness' answering the question.

The court ruled that he need not answer; it was not material.

I was excited on the day of the homicide; did not threaten Thompson's life.

The prosecution objected to such questions; they might tend to criminate the witness. The objection was sustained.

Being excited, my brother caught hold of me telling me to be quiet. Other questions were pled by the defence of a similar nature, which were overruled by the court as not proper.

BARBARA LYMAN

testified. She was first shown a diagram of the streets and houses in the locality, also the distance from her house to Wilcox's. Knew Dalton; was acquainted with his family; knew Thompson by sight. Was in Parowan on the 16th of December. Saw Dalton about 11 o'clock near Page's corner turning south; he was on horseback, driving stock. Collins Clark was with him and others. Saw them make the turn at the corner of the street, coming south toward Page's—saw this from my door; saw two men standing at the south end of Page's house; recognized them to be Thompson and Orton; saw Thompson with a gun in position as if ready to shoot; parties on the street could not see defendant for the corner of Page's house; I called out to Dalton and waved my hands for him to go back, but he did not observe me; the horse was on a walk, moving south-west; when Dalton came opposite Page's house, I heard the word "halt." Dalton did not appear to observe it; Clark was not far from Dalton, on his right on the west side of the street, a little behind. Don't recollect seeing

Brigham Brown. When the shot was fired the horse wheeled and made a short distance on a walk. Dalton fell on the left. The horse travelled on the walk. I ran to Dalton, found him on his hands and knees. I asked where he was hurt, he replied

"I AM KILLED."

Thompson came through the bars and tapped Dalton on the shoulder, saying, "why did you not halt?" Dalton made no reply. Thompson, Orton and Brown carried Dalton into Page's house. There was no child with Dalton. Don't recollect seeing Brown at the bars. When I came to Dalton I rubbed his face with my hands. Did not look around when hailed by Thompson; did not seem to notice him.

Cross-examination—Saw Thompson and Orton in Page's lot. Knew Orton was a deputy U. S. Marshal. Pointed on diagram where she first saw Dalton. Showed where Dalton was when shot, which did not vary from her former testimony. Dalton was nearer the west side of the street than the east. The horse was heading to the north-west when he fell off. Was anxious about Dalton; heard that Orton threatened to kill Dalton. "I heard it five or six weeks ago in Parowan. My husband told me; did not know where my husband heard it. Knew there was an indictment for Dalton. Saw him four days before he was killed. Did not know that Dalton had been gone. Knew he was indicted and that Orton was at Page's to kill Dalton. Did not watch Page's house. Heard "halt" once. Did not wish to see him killed. Would not help Dalton to escape arrest. I watched merely to save his life; I feared he was to be killed. Thompson and Orton were the first to come to Dalton. Thompson placed his hand on his shoulder, saying, "I called you to halt; why did you not?" I have talked to my husband about this affair, and talked to George C. Lambert about it. I made affidavit before Davenport; Mr. Lambert was present. This was before New Years. He asked me for affidavit and I gave it to him. Lambert wrote the affidavit and I signed it. Have not seen my affidavit in the DESERET NEWS.

CHARLES LYMAN.

sworn. Had three shirts of deceased that were on Dalton when killed. (Here a hole made by the bullet was shown to the jury). Received the garments from Dalton's wife; recognized the same shirt on Dalton the day before the homicide. Was at Moberlyville on the day of the killing. Heard from several parties that if Orton could not arrest him would reach him with his gun.

Cross-examination—Was not interested in posting Dalton of the whereabouts of the deputies.

G. S. HALTERMAN.

sworn. Knew Dalton; have seen Thompson a few times; know Orton, Daniel Page and Wm. Page; met the cattle herd on the street and helped the parties drive them; when we came to Page's corner the drivers were more or less together; Dalton was ahead of me; I was hugging the fence, not in the middle of the road, making around the corner going south to Page's when I heard the call to halt; heard the call—"Ed., halt! halt! halt!" It sounded as if two voices called; could just distinguish the "halts" in succession when I heard the report of a gun about four or five seconds from the first call of halt; Dalton was near the middle of the street, a little to the west, when he fell; the horse was on a fast walk; we all checked up when the shot was fired; the horse was moving south, angling to west; the horse was in the act of wheeling when the shot was fired; the horse went north three or four steps and west toward Wilcox's fence; when the gun was fired the horse jumped, landing Dalton's feet north and head south; he then turned on his hands and knees; Thompson was first to reach Dalton after he fell; he spoke to him, but I do not know what he said.

Cross-examined.—Did not help to carry Dalton in; several gathered about; Orton asked me to go to the telegraph office with him.

SAMUEL T. ORTON

sworn. Knew Dalton; he was about 30 years of age; knew Thompson by sight and reputation. Orton is my brother. Saw Dalton on the street traveling towards the west in company with Brigham and J. H. Brown and Clark. Haltermann was a little behind, was inside my fence looking at the cattle pass; turned toward the south toward Page's; was watching Dalton, aware that he was in danger; heard the marshals were at Page's house; saw Dalton going south; heard the word "halt" and the report of a rifle; Dalton fell from his horse; the report of the rifle came from Page's; Dalton seemed to turn his face toward where the voice came from; he was in the act of raising his hand when he fell; the horse slightly turned to the west; he was sitting straight on the horse when shot; the horse was walking, was excited and wheeled about, and Dalton fell three or four feet from where shot.

Cross-examined.—Witness was shown the diagram; he showed his residence and where he stood when the affair occurred. Did not know Dalton was coming till I saw him; thought he was in danger as he was a fugitive; suspected the officers were at Page's; Don't think I would help Dalton to get away from arrest, but was not in favor of his

being shot; heard "halt" only once when he fell; I went to where the body lay; could not say who was the first at the body; saw Mrs. Lyman there; I was raising him up when Thompson came; I said to him, "here is a dead man," and went for Dr. King; Thompson called for help to move him into the house; told my statements to the coroner, also gave my affidavit to Geo. C. Lambert, which was sworn to before Davenport.

NEHEMIAH HOLLYOKE

sworn. Was on the south of Page's house, about 17 rods distant; saw a herd of cattle heading south; Dalton came in sight on South Street; saw deputies come out from Page's house, Thompson, with gun in position; heard the word "Halt" twice, said instantly; Dalton's horse was moving on a walk, headed south, with his left side to the deputies; did not think they would shoot; was looking to see the arrest; after Dalton fell to the ground, Mrs. Lyman came to the body; Dalton was on his hands and knees; Thompson touched him on the shoulders; Samuel G. Orton asked if he was going to be left to die like a dog; Dalton was lying a little north of Wilcox's house and four rods from Page's bars; saw other parties on horseback.

Cross-examined. Dalton was in his shirt sleeves, no coat, no vest, no suspenders. Saw Dalton the day before the homicide at a tannery on the south-west corner of Page's lot; I went on the 16th December with Hugh L. Adams, where I made affidavit before County Clerk for George C. Lambert; have not seen the published statement. The horse did not move over three feet after the gun report. Knew Thompson by sight; when I saw him with the gun and saw Dalton, was aware something was up; saw Thompson and Orton come out of the south end of Page's door; saw Dalton when the shot was fired.

PETER WIMMER

sworn. Was at Parowan on the 16th of December; saw Dalton alive on that day; was not present at the killing; saw the body after death; saw a wound on the body on the left side, between the second and third ribs in the centre of the side, ranging a little back and upward; probed the wound and took his undershirt off. Dalton was a muscular man.

Cross-examination. Helped take shirt off body; did not incite parties to avenge the death of Dalton.

WILLIAM C. MITCHELL

sworn. Did not see Dalton alive on the day of the homicide; was present when the body was washed; found a wound on the left side, a little back of the centre of the side; when the body was lying on the left side could not see the wound; when turned to the right could see it.

Cross-examined. Have no desire to locate the wound otherwise than where it was.

EDWARD WARD

sworn. Did not see Dalton alive on the day of the 16th; saw Dalton dead at his mother's house, laid out; found a wound on the left side, back of the centre, five inches from the back bone; saw the doctor probe the wound, which ranged toward the backbone, a little upwards.

Cross-examination. Dalton was 34 years old last August; was a powerful man.

Dr. King was recalled, and the prosecution asked if a ball struck the spine and it caused paralysis, could he in this position be able to walk or could he raise on his hands and knees? Answer—He may, by spasmodic action; however, it would not last long. Am not mistaken in the track of the ball, which lodged in the most vital part of the body.

Here the "prosecution" rested.

The Defense.

Wm. Thompson, the slayer of Dalton, was first called to the stand in his own defense. A synopsis of his testimony has already appeared. It was brief, and went mainly to the point of preparing a foundation for what was to follow in the dreary drama that was being enacted, the outcome of which all had begun to understand by this time as well as though they had seen the same farce played before. "Farce" is not exactly an adequate term, but it has a ghastly fitness here, following as it does so closely upon the enactment of a

BLOODY TRAGEDY.

Thompson retired from the witness' rostrum with that imperturbable countenance which he has worn from the first, and then others took his place and were sworn.

Willie Page, a son of Daniel Page, the chief witness for Thompson (whose evidence appears further on) testified similarly to his father.

Presley Denney, David Pollock and E. W. Thompson swore that Thompson was a good man.

Ex-Deputy Gleason testified that he had been many times warned as to the risk he would incur in attempting to arrest the deceased for whom he once had a warrant. He showed a letter purporting to have been written by the deceased to the witness, warning him to come "heeled" when he came to make the arrest.

Deputy Marshal Armstrong testified to having had a letter from the deceased which was altogether of an opposite tenor to the one purporting to have been received by Gleason.

DANIEL PAGE,

the chief witness for Thompson, then took the stand. He said, in substance, that on the 16th of last December the defendant came to his house in company with William Orton between 4 and 5 o'clock in the morning. Defendant stated the object of his visit to town, which was to try and arrest Dalton. He asked my advice and if I had seen him in town. I said "Yes," and that I thought Dalton was at his mother's house. I inquired of several persons, but got nothing definite. My boy Willie came in and said Dalton was coming down the street on horseback driving stock. I said to the officers that that was about as good a time as any. They went out and looked through the window. I heard the officers cry "Halt," three times;

THEN A SHOT;

could not see the officers, but saw Dalton look in their direction; Dalton did not stop, but continued reining his horse away from where the officers stood, and quickened his speed. He was sitting upright until the summons was made, when he leaned forward and to the right. When he was shot, he fell off. Thompson assisted to carry the deceased into the house. Witness, at the request of Orton, borrowed a rifle for the defendant to make the arrest. He then identified the gun as the same. He understood that when Dalton was in town he always had a horse with him ready to get away. The shot was fired three seconds after the third command to halt. When Dalton lay wounded in the house he regained consciousness and said to defendant, "You d— of a b—, I don't want you to touch me." I did not tell Thompson that Dalton carried arms and was dangerous to arrest.

C. S. VARIAN,

supposed to represent the prosecution, took the floor and made an argument for the defense. He said Dalton's offense was a felony [the law of the United States to the contrary notwithstanding], and that being the case Thompson was justified. This left P. L. Williams, attorney for Thompson, but little to do and he did it. Judge Boreman then, and quite unnecessarily, contributed his quota to the defense fund in the way of a charge, the jury as a matter of form went to their room and returned in a few minutes with a verdict of

NOT GUILTY.

Thompson was discharged and went forth from the court room doubtless a proud and happy man.

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