

THIRD DISTRICT COURT.

JAMES O'NEILL Convicted of Murder at Park City.

A DIVORCE SUIT CALLED UP.

\$2,000 Damages Obtained From the South American Asphalt Company, for Personal Injuries.

It was four o'clock yesterday afternoon when the trial of Thomas O'Neill, a young-looking young fellow about 20 years of age, was placed on trial for the manslaughter of George S. Roundy, at Park City, on March 22, 1893.

Assistant District Attorney Stephens (with whom Attorney Snyder of Park City was associated) appeared to prosecute. The accused (who is a resident of Summit county) was defended by Judge Powers and Attorney G. E. Allen.

It appeared from the testimony adduced that the defendant and some of his companions, who are employed at mines in Park City, had been visiting various saloons on the afternoon and evening preceding the morning of the tragedy, it being "pay day" with the miners. About 4 o'clock on the morning of the 22d of March the parties made a call at Thompson's saloon, and there O'Neill and Roundy for the first time. All were more or less under the influence of liquor. Conversation took place on the subject of high-kicking, and the defendant offered to bet that he could kick higher than any one else present. Roundy expressed his readiness to accept the challenge; but a dispute arose as to the putting up of the wager. Words led to blows. While the prosecution was in progress, the defense witness for the defendant stated that Roundy squared up at the other men, used strong language and dealt the first blow. The accused hit back and Roundy rested against the stove and fell to the floor. He was not struck again. Death was almost instantaneous. It was caused by the prosecution that the blow administered by O'Neill indirectly caused the fatal injury, while the other side attributed it to the blow directly striking upon the spine as he fell.

The morning the defendant took the stand. He said it was about 4 o'clock in the morning when they met at Thompson's saloon. A dispute arose over the high kicking bet, and Roundy got the best of it. When he fell, he hit his back in the face, once, in self-defense, and immediately afterwards hit the saloon, Roundy, when hit, fell to the floor, but witness did not see that he did not until the next morning (about 10 A.M.) when he awoke, about half-an-hour later. He simply hit Roundy one blow and did not strike him at all, as had been alleged.

In answer to Mr. Stephens, O'Neill said that Roundy was the first to drop. When witness struck him he went back a couple of steps and then fell to the floor.

The case went to the jury at midday.

The foreman, about 30, a man brought in a verdict of guilty, without recommendation to mercy. Sentence was set for Monday next.

JUDGE JUDGE BARTON.

The case of John Deallinger vs. the South American Asphalt Co. was tried before a jury in Judge Barton's court this morning.

It was an action to recover \$20,000 for injuries alleged to have been caused through the negligence of the defendants, plaintiff and his wife. The suit was in their favor at first. Deallinger was engaged in the work of hauling sand and rock at the company's works on August 20th, 1890, when, as he alleges, owing to the failure of the company to furnish him with sufficient tools, his hand and arm were caught between two large stone rollers, crushing them so severely as to render amputation necessary, and crippling him for the remainder of his life.

The jury found for the plaintiff, and assessed damages at \$7,500.

EXCUSED.

George Williams and George G. Martin, both jurors, were excused for the term, and Harvey M. Bacon for the present, the latter on a medical certificate.

MISCELLANEOUS.

Balding Bros. vs. E. McNeese. In his case, on motion of plaintiff's counsel, thirty days' stay was granted.

The case of Haight vs. Pearson was adjourned until April 1st.

A. J. Burstein et al. vs. G. Ward, plaintiff on motion of defendant's attorney for want of prosecution.

FOR ELECTRIC LIGHTS.

The case of the Salt Lake Power, Light & Heating Co. vs. Salt Lake Manufacturing Association was then taken up. Powers & Hiles representing the plaintiffs, and was for \$75,000, for furnishing electric light for the association's building. Lathrop & Kain represented the defendants. A jury was waived, the case tried before a court and judgment rendered for the plaintiff.

THE LAWYER.

The divorce suit of Robert Philpot and wife Philippa was next heard. The parties were married in 1885 at Chicago, and there is one child, aged 10, now living with the wife. The plaintiff is at present a resident of Franklin county. He said his wife left him October, 1893, when she openly expressed the intention of going away. She had no money, so he gave her \$100, and she left him. They had been separated to some extent. They had agreed, however, in January of the present year, that he had not lived together, and when he asked her why she went away, she replied, "because she felt like it." Defendant, now said to be Mrs. Philpot, had come to the court to testify that she had always treated her wife well, he said, you know that she did not get along happily before he found her out after the marriage, something concerning his wife which he did not know before,

Some time prior to his wife deserting him they agreed to separate. The defendant, however, maintained his wife. When the plaintiff had given his testimony the case was ordered to stand over for three weeks for the production of some additional testimony.

F. B. Stephens is the plaintiff's attorney.

COURT NOTES.

Josephine Grimes has yesterday afternoon filed suit for divorce from her husband, Morris M. Grimeson, on the ground of desertion.

It was about 4 o'clock yesterday afternoon when the jury returned their verdict in the case of Charles Whiting, charged with perjury. They found him not guilty, and he went his way. The facts of the case were given in yesterday's news.

Charles Patten last evening planted a small sprig of ivy in front of his office, which is located on Main street, in Salt Lake city. His law office is in the same building.

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