DESERET EVENING NEWS.

Wednesday, - - March 25, 1891.

Copy for Advertisements which are expected to appear in the Evening News on the day when received should be handed in to the business department not later than 5 p. m.

Rates of Advertising furnished upon application.

Copy for advertisements must be in every night.

FRAGMENTS.

THOMAS LYNCH, a native of England, was admitted to citizenship in the Third District Court yesterday afternoon.

MAYOR SCOTT is expected to return home Sunday, the end of this month. He is now in San Francisco.

THE seventh Quorum of Elders will meet in the Twenty-second Ward meeting house, at half past seven o'clock tomorrow (Friday) evening.

A LICENSE to sell liquor at the Frank in Avenue Variety Theatre was issued last evening. Intoxicants were being sold out today.

THE jury in the Raymond murder trial passed last night at the City House, where sleeping accommodation was provided for them. They were in the charge of one of the court bailiffs.

FIFE MORGAN, manager of the "All the Comforts of Home" company, called at our office today. He stated that the advance sale of seats at the Theatre has been very heavy.

THE Raymond murder case is not expected to be finished until late tomorrow afternoon. An effort is being made to get in all the evidence today, so that the arguments may commence Friday morning.

ON Tuesday evening next the resignation of Colonel Merritt, as legal adviser, will be accepted by the City Council, immediately thereafter Colonel Merritt will leave for Honolulu, where he expects to remain about two months.

THE jury in United States Commissioner Greenman's court, yesterday afternoon, returned a verdict of not guilty in the case of Heber Stookey, charged with assaulting Charles Thode at Murray, a short time since.

THE funeral services over the remains of Mrs. Ruth Keyser, who died yesterday at Hooper, will take place tomorrow (Friday), at 2 p. m., at the Eighth Ward meeting-house. Friends are invited.

MARRIAGE licenses have been issued to the following parties: Dorothy Clark to Allen J. D. Kelly; Lizzie Cook, George C. Woodruff; Anna Brown, J. W. Carroll; Rhoda Johnson, E. Ward; Sarah Ann Nott, James Symons; Emma Malquist.

CITY ENGINEER DONNELLY will, in a few days, move his office from the City Hall to the large and handsomely furnished rooms in the Deseret National Bank building recently vacated by the resident engineer of the Union Pacific Railroad.

THE granting of a liquor license to the proprietors of the Variety Theatre has given consequence to others. It is now rumored that another institution of a character similar to that on Franklin Avenue will soon be running on Commercial Street.

MESSRS. S. W. FOLLES and Bancroft, of the U. P. Railroad, accompanied by Mr. Washburn, the Company's restaurant manager, yesterday afternoon went to Garfield Beach by special train, with a view of carrying out certain improvements and additions there for the coming season.

ACTING upon the suggestion of Major Stanton, Manager Burton, of the Salt Lake Theatre, has decided to have an asbestos curtain placed between the stage and the auditorium. This should a fire occur in the building by any chance, the brigade would be on hand within a few seconds.

THE will of Samuel Kramer, who died in this city a short time since under somewhat singular circumstances, is being contested in the probate court. The deceased ignored his wife and child almost completely, leaving them only $5 apiece, whereas it seems that he had property valued at over $10,000. It is alleged by the contestants that the will was made under duress, and it is said that strong evidence will be forthcoming in support of this allegation.

A PETITION signed by a number of Salt Lake residents has been presented to Governor A. L. Thomas, asking for the pardon of Thos. Mascale and Wm. Craig, sentenced in March, 1885, to four years imprisonment for burglary at Pleasant Valley Junction. A second petition has also reached the Governor on behalf of C. E. Harris and J. T. Whitlock, sentenced to the Second District Court on Dec. 9th, 1886, to one year in the penitentiary for grand larceny.

YESTERDAY afternoon U. S. Grant judged a suit in the Third District Court against the Union Pacific Railroad. He alleges that on March 10 last, while employed by the defendant company as trackman between Lake Junction and Garrels, the train upon which he was working was signed, and he was severely injured about the head and body that the accident was the result of negligence on the part of the defendant. He asks for judgment for $5,000. Judge Powers is the plaintiff's attorney.

IN the Third District Court yesterday afternoon Joseph Sears filed a petition for a writ of habeas corpus, asking that Division and Linda Lindgren be released from custody in court his minor children William J. and Alice Susan. He alleges that he has $300 worth of property, and is able to take care of the children, who are wrongfully withheld from him by the parties named. Judge Anderson granted an order requiring Christian and Julia Lindgren to appear before him on March 26, at 10 a. m., to show cause why they should not surrender the children, as prayed.

D. M. MCALLISTER & CO., bankers and stockbrokers, 72 Main st., yesterday incorporated under the title of the "Utah Bank and Stockbroker Company." There capital stock is placed at $50,000, of that amount $15,150 is already paid up. D. M. McAllister is President of the organization, Franklin S. Richards Vice-president, Joseph L. Rawlins secretary and treasurer. Judge Elias A. Smith is associated with them as director. The other directors are Joseph F. Burton, D. Wm. and Geo. S. McAllister. We wish the company a continuation of the success which has attended the house in the past. The reason for this increase of the capital stock is the rapidly growing business of the firm, which has exceeded the most sanguine expectations.

As Expected.

Dangerous demonstrations have already commenced in the Variety Theatre since the proprietors have been given permission by the City Council to sell liquor within its walls. At a late hour last evening an individual named Rosalesk, who keeps a saloon opposite the place in question, entered the theatre, and, it is alleged, somewhat exhibited unkindly weapons in a manner that terrorized the females of the place. The police were called, and Rosalesk was arrested and taken to the City Hall where he deposited $25 to secure his attendance in court today.

MOVING SLOWLY ON.

The Taking of Testimony in the Raymond Murder Case Today.

O'BRIEN'S DYING STATEMENT.

A Question as to the Admissibility of Witness' Depositions.

When the Third District Court reassembled after the noon recess yesterday, United States District Attorney Varian made his opening statement to the jury. He said the prosecution expected to show that on the night of December 19 last Richard O'Brien, the deceased, was at the saloon of the defendant near the Rio Grande Western depot. O'Brien and Raymond became involved in an altercation, which resulted in O'Brien being shot by the defendant. There would be no considerable conflict as to this transaction, but the prosecution would introduce the dying statement of O'Brien, to the effect that Raymond was the aggressor.

Judge Powers then made his opening statement for the defense. He said that there would be no question but that Raymond fired the shot which killed O'Brien. On the night of the affair Raymond had behind his bar some $3,000 in money, and was cashing the checks of the railroad men. It would appear that O'Brien, when under the influence of liquor, as he was that night, was a hard man to get along with. During the evening O'Brien interfered with some customers of the house and Raymond asked him to leave them alone. The deceased used violent language to the defendant and then threw a beer schooner at him, struck him with his lantern and started behind the bar after him. Raymond drew his revolver and fired over O'Brien's head in the hope of stopping him. O'Brien kept right on, however, and knocked the defendant down and the latter then fired two shots, both of which took effect. It was a case where a man was attacked in his own place of business, where he was engaged in his legitimate work.

Dr. Fowler was the first witness. He said: On the night of December 19 last I was called to attend a man in a saloon near the Rio Grande depot. I found the man lying on the floor suffering from two gun-shot wounds in the body. He was taken to St. Mark's Hospital. One ball entered the left side and ranged downward at an angle of 45 degrees and entered the hip bone on the right side. The party who fired must have been near the man shot. The other ball entered the right lung and struck a rib. I cannot say what its course was. Either wound was necessarily fatal, and the man died from them at about 1 o'clock in the afternoon following the shooting. He was a young man in prime of life, and weighed about 200 pounds. The doctor produced the probes of O'Brien's hip bone in which the bullet was embedded, and illustrated the position of the wound.

Dr. J. J. Field—I was the first physician who saw O'Brien after he was shot. He was suffering from shock and grushed wounds.

Mr. Varian offered the deposition of Dr. Pinkerton, which was objected to on the grounds that the witness might have been produced had due vigilance been exercised, and that the defendant had the right to be confronted by his witnesses. The opposition was overruled and the deposition was read. It was simply stated that O'Brien died from the effect of gun shot wounds received on the night of December 19.

William Ross testified—In December last I was sleeping at Hagney's place, near the Rio Grande Western depot. I was in Raymond's saloon on the night of the shooting. O'Brien was talking to some other men and the defendant was behind the bar. I saw O'Brien walk up to the bar and he and Raymond had some words. I paid no attention to them until I heard a shot and then I skipped out.

James K. Dobbins said—I was at the Western saloon on the night of this shooting. I was playing pool with a Mr. Morrisey. We were under the influence of liquor, and I tried to get him to go home, when he called me some name. Then this man O'Brien took it up, and Raymond told him to let us go home. Raymond and O'Brien had some words and I heard the latter tell the defendant that he wasn't worth hitting, and a little later Raymond fired a shot. Just then some one hit me and I turned around and two more shots were fired. Both men were behind the bar, and my impression is that O'Brien was advancing toward Raymond at the time the latter fired. The defendant was about down when he fired the first shot.

James Murphy—I was boarding at Hagney's on the night of the shooting, but was in Raymond's saloon at the time of the affair. I saw O'Brien in there talking with the defendant, and then I went into the dining room. While there I heard the shots, and rushed back into the bar room. I took hold of O'Brien, who said he was hurt, and that Frank Raymond had shot him.

Mr. Varian offered the return of the subpoenas for Mr. William Halstead and Al. Bennett, showing that they were not found in the precincts of the court, and Deputy Marshal Cleveland testified to that fact.

Mr. Varian then offered the depositions of these witnesses.

Judge Powers objected to their admission on several grounds, relying principally upon the sixth amendment to the constitution.

The argument on this point was reserved, and James Hagney was called. He testified—On the night of December 19th last, I saw a crowd come out of Raymond's saloon and heard that Raymond had killed a man. I at once went in and found O'Brien leaning against the pool table. He was in great pain and wanted someone to kill him. He said he didn't see why Frank wanted to shoot him, as he had never done anything to him.

At this stage of the case an adjournment was taken until this morning.

PROCEEDINGS THIS DAY.

Punctually at ten o'clock Judge Zane took his seat on the bench, and the names of the jury having been called over by Clerk McMillan, the trial was resumed.

Mr. Varian began by directing the Court's attention to the fact that the question pending was the objection made as to the admission of certain depositions offered by the prosecution yesterday, the argument on the point having been reserved until this morning.

Both Mr. Varian and Judge Powers cited numerous high authorities bearing on the question, their arguments occupying about an hour and a quarter.

At the close Judge Zane said he was inclined to admit the depositions and allow the question to come up before the Supreme Court. He was not aware that either the Territorial Supreme Court or the Supreme Court of the United States had ever passed upon the point in contention.

Judge Powers took exception to his Honor's ruling.

The first witness called was Father Fitzgerald, of the Roman Catholic Church, who said that on the night of the tragedy he was called to St. Mary's Hospital to attend upon O'Brien, and administered to him one of the last rites of that church in life—the extreme unction.

U. S. Commissioner Greenman stated that he visited St. Mary's Hospital on the morning of December 20th last, the morning following the tragedy. O'Brien was lying upon a cot there, apparently dying. The city marshal and a stenographer accompanied him. Witness told O'Brien that he was dying and asked him how he felt. He replied that he was suffering terribly and that he knew he had not long to live. Witness asked him if he thought he was dying. O'Brien an intelligent statement of what had occurred between himself and Raymond, and he said he thought he could. The statement was then submitted to him and he made the statement contained in the typewritten copy of depositions which were now put in evidence. O'Brien was very low, he took, in shortness, the dying statement of O'Brien, made in answer to the questions of Commissioner Greenman. Witness then left the room.

Mr. Varian was about to read the transcript to the Court, but Judge Powers took exception to this. His Honor ruled, however, that, being the statements of a man who knew he was on the point of death, they were admissible.

Mr. Critchlow accordingly read the depositions. O'Brien stated, in reply to Commissioner Greenman, that he did not know exactly how the affair started between Raymond and himself. Anyhow, Raymond fired the gun between the bar and the wall. He "turned it loose." "I fell down, got up again, "threw it under his arm," and hit him in the breast. He believed Raymond fired two shots. He knew of no reason why Raymond should shoot him, as he (Raymond) had always been a good friend to him. He had been treating at Raymond's house since the previous November, and had always been good friends. He "just joked" Raymond about a game at pool which they had played together. When Raymond fired the shots he did not never heard of him. Before he fired he (O'Brien) did not make any movement towards him to strike him; but after he shot the first time he did make at him with his hand. He had no lantern in his hand when Raymond shot him. He had been acquainted with Raymond about eight years, and had never heard of him having trouble with anyone except a table on one occasion in Ogden. They had always been good friends up to the night of their meeting.

Marshal Young testified to the arrest of Raymond and to receiving a Colt's six shooter, 38 calibre (produced), from Officer Jenkins. Three of the chambers were loaded and the other three empty at that time. At the police station defendant, whom he had known for five years previously, said to him, "I guess you've got me this time; I've shot a man in the saloon."

Court then took a recess until 2 o'clock, when Sheriff Burt was called to the stand.

He testified that a few days ago he visited the saloon in which O'Brien was killed; the room was eighteen feet wide and about fifty feet long; found a bullet in the east wall about five and a half feet above the floor; the ball had evidently come from a pistol.

Sheriff Burt was still on the stand when our report closed.

GOING TO THE FRAY.

Just as the Court was about to adjourn for the noon recess the foreman of the jury, on behalf of the jury, asked permission for the jurors to attend the Theatre in a body this evening. His Honor said he saw no objection to their doing so, provided they remained in charge of the court bailiff, and granted the request. The title of the play on this occasion is a peculiarly appropriate one, or "All the Comforts of home and mutual" are concerned, namely "All the Comforts of Home."

Amusements.

All the comforts of home opens its engagement at the Theatre tonight.

W. S. Cleveland's Consolidated Minstrels, after a series of phenomenal successes in New York and the other cities of the East, will be seen at the Salt Lake Theatre on Saturday afternoon and evening, March 28th. The merits of this attraction are well known to the amusement-going public, and were they not, either Mr. Cleveland's name or the company's roster would be a sufficient guarantee. Among the stellar celebrities who are with the company are Billy Emerson, Barney Fagan, Hughey Dougherty, Luke Schoolcraft, Billy Allen and Mack, Gibbs and Hanson, Signor Benedetto, and the famous Craggs, eight in number, refined British acrobats.

At the Salt Lake Theatre, Monday, Tuesday and Wednesday of next week, "Kajanka," the new Parisian spectacle, is in three acts and twenty tableaux and is a succession of beautiful transformations, one scene following the other in rapid succession, until at the close the rise of the morning sun eclipses them all. Electra, the fairy queen, is seen in the glittering car drawing in a chariot drawn by four white horses, while the ladies of the company are used as cherubs in the clouds. This is without doubt the handsomest scene of the kind ever displayed on any stage.

At "Wonderland" tomorrow will be the ladies' souvenir day, and Saturday children's day.

Sunday School Union Conference

The semi-annual conference of the Deseret Sunday School Union will convene at 7:30 p. m., on Sunday, April 5th, 1891, in the Tabernacle.

It is particularly desired that each Stake and Ward be represented at this meeting, and that the Stake superintendents, officers and teachers attending the General Conference of the Church be present.

A cordial invitation is extended to the general public.

GEORGE Q. CANNON,
GEORGE REYNOLDS,
JOHN MORGAN.

A MARINE BICYCLE.

The Valuable Invention of an Ogden Man to be Tested at Garfield and Syracuse.

An Ogden inventor named Hartman, who it is said has perfected and patented more than forty valuable inventions, has lately invented a marine bicycle, which, it is claimed, is destined to create a complete revolution in boating circles. About a year ago, Mr. Hartman read an extract from a scientific paper, describing a boat built by a German, which caused considerable comment. The gentleman decided to improve the German's science, and at once set to work to study out the plans for a new boat. After many days' thinking, the sketches were made, and then all that remained was to build the mechanical part of the bicycle.

The body of the machine is made of two air-tight steel cylinders, twenty-four feet long and eight inches in diameter and forming a jointed prow at one end, while the other is square. On this frame work, which floats upon the water, is built a deck and steering apparatus. In the center of the boat is a mechanism much resembling a bicycle, which supplies the motive power. The person sits upon a regular saddle, and turns the wheel with his feet. Twenty paddles or water wheels are attached to the cylinders, and make the wheel resemble those used on a side-wheel steamer. Besides the bicycle, a sail will be placed on the deck, which can be used in case of a high wind, and when the rider is tired. A pair of oars will also be shipped for the purpose of using