DESERET EVENING NEWS.

Wednesday, - - March 25, 1891.

Copy for Advertisements which are required to appear in the Evening News on the day when inserted should be handed in to the business department not later than 11 a. m.

Rates of Advertising furnished upon application.

Cuts for advertisements must be on metal base.

FRAGMENTS.

A fine farm for sale or rent in Granger. See advt.

Charles Ellis lectures in the Eleventh Ward tonight. All invited.

Messrs. D. M. McAllister & Co., booksellers, Main Street, have *Harper's Monthly* for April and all the other leading magazines of latest issue.

Judge Anderson did not hold Court this morning, as expected, but spent his time in Chambers, preparing an opinion in one of the cases recently submitted to him.

Deputy Clerk Allen has issued marriage licenses as follows: William O. Crowther and Eliza A. Nalt, J. F. Kelly and Lizzie Clark, S. W. Carroll and Emma Johnson.

Prof. Paul's lecture on "Rational Grounds for Faith" and musical exercises will be given in the Eighteenth Ward schoolhouse tonight. Meeting will commence at 7:30 p. m.; free to all.

In the United States Land Office yesterday seven applications for patents and final entries on quartz claims were filed. Of these several were in regard to properties at Tintic. The officials at the Land Office are at present kept hard at work.

In the case of Heber Mackay, charged with assaulting Charles Thiede at Murray, and which came before Commissioner Greenman yesterday afternoon—Mr. S. A. Kenner appearing for the prosecution—a jury trial was demanded and the case went over until this morning. It was still in progress this afternoon.

Mr. H. H. Mears, traveling freight and passenger agent of the Northwestern, with headquarters at Denver, has been transferred to this city and will hereafter be found in the Northwestern office, in the Progress building, with W. L. Stannard, the general agent.

The Raymond murder case has been the "sensation" of the Third District Court today. It is expected to occupy the whole of today and tomorrow. Mr. Varian is conducting the prosecution, the defendant's attorney being Judge Powers.

Mr. R. C. Easton will come down from Logan to sing at the Tabernacle Choir concert on April 3rd. A general desire [illegible] that he may render the familiar old ballad, "Annie Laurie." The full programme of the concert will appear later.

Last night, about 10 o'clock, a bartender at a saloon on West Second South Street met with a bad accident. When passing a stairway leading to a cellar on the thoroughfare named his foot slipped and he fell head foremost down it. His head struck the doorway at the bottom of the stairway. Upon being picked up he was unconscious, but eventually regained sensibility.

Mr. E. D. Baxter, general agent of the Colorado Midland Railway, who has been located at Colorado Springs for the last two years (and previously for seventeen years with the Pennsylvania Railroad, in Ohio) has come to reside in this city, and, in the interests of the Colorado Midland has opened an office in Burlington Row, Second South Street. Mr. Baxter is a popular railroad man and will doubtless soon gain a wide circle of friends in Salt Lake.

Under the auspices of the Y. M. M. I. Association, Brother A. M. Musser last evening lectured in the Fifteenth Ward on his East Indian experiences. He described the wonderful manner in which Providence caused the way to be opened up so that he and his fellow missionaries could pursue their journey; the difficulties they had to surmount in acquiring the language; the peculiarities of the people, the modes of travel, customs of the country and various objects of religious worship. Many amusing reminiscences and instructive recollections were told. At the close of the lecture Brother Musser was accorded a hearty vote of thanks.

Home Missionaries.

The regular monthly meeting of the Salt Lake Stake of Zion will convene in the Social Hall, Salt Lake City, on Wednesday, March 25th, 1891, at 7:30 p.m. A full attendance is expected.

The brethren called as Home Missionaries at the last conference of the Stake are specially requested to be present.

Death at Millard.

Under date of the 21st inst., a correspondent writes from Millard, of the death of Sister Hannah Cook at that place.

The deceased was an intelligent and amiable woman. Resolutions of respect were formulated and adopted by the Millard Sabbath school, of which she was an energetic and faithful member and teacher.

Y. L. M. I. A.

The Y. L. M. I. A. officers' meeting will be held in the Fourteenth Ward Relief Society Hall next Saturday March 28, at 11 a. m. It is earnestly desired that representatives be present from each association.

MARY A. FREEZE,
Stake President.

DEATHS.

KAISER.—In this city, March 25, 1891, at 3 o'clock, of pneumonia, Ruth Kaiser. Deceased was born May 1, 1881, at Glasgow, Scotland.

The time for the funeral will be announced later.

FLINEX.—At her residence, 420 W. First South Street, Salt Lake City, February 2, 1891, [illegible], wife of [illegible]; late of [illegible], Birmingham, England. Deceased was the daughter of John and Isabella [illegible], and was born at Worcester, England, July 14, 18[illegible]. She [illegible] in full faith of the gospel. She leaves four [illegible].

Millennial Star, please copy.

HILLAM.—Saturday, March 21st, 1891, Sister Hannah Hallowell Hillam, wife of Abraham Hillam, died at Brigham City, Utah. Deceased was born January 19th, 18[illegible], at [illegible] Mill, near Todmorden, Yorkshire, England, and was baptized into the Church in January, 18[illegible]. She emigrated to this country in February, 18[illegible], crossing the ocean in the ship "[illegible]," and located [illegible] at Cincinnati, Ohio. In 18[illegible] she made the journey to the Rocky Mountains in the company presided over by Edward Stevenson. Sister Hillam was a faithful and an earnest Church worker. She was a member of Tenth Ward Relief Society from its organization till 18[illegible], when in connection with her husband she moved to Brigham City. At the time of her death she was presiding teacher of the Relief Society over the ward in which she lived. She leaves sons and daughters, thirteen grandchildren and four great grandchildren.

Millennial Star, please copy.

GETTING WORSE.

Public Sentiment Ignored and Morality Again Assailed.

PERMISSION TO SELL LIQUOR

At the Variety Theatre was Given by the City Council Last Night.

CITY ATTORNEY MERRITT BIDS GOODBYE TO THE GANG.

Paving, Joint Building and Street Sprinkling Questions Discussed.

The regular weekly session of the City Council was called to order at 7:45 last night by Acting-Mayor Parsons. The members present were: Spafford, Pickard, Wolstenholme, Lynn, James, Hall, Pendleton, Noble, Pembroke, Karrick and Cohn.

PETITIONS.

George E. Cushing et al., purporting to represent three hundred brick and stone masons of the International Union No. 1 of Utah, asked that the City Council use its influence in reducing the time of work per day, from 10 to 8 hours for laborers, and that the Council as a part of the "Liberal" party adhere to its pledges of "Salt Lake work for Salt Lake workmen," and that T. J. Williams, a member of the Masons' Union, be appointed inspector of the brick and masonry conduit now in course of construction and all other work of a similar nature. Referred to the board of public works.

Dallas & Hedges asked permission to pile building material on First East Street in front of Brooks' Court. Granted.

J. H. Simon, agent for Forepaugh's circus, asked that Washington Square be leased to him for show purposes sometime in August or September next. Committee on public grounds.

Elego Hawkins asked for permission to keep a watch dog free of charge. Committee on police.

Twitchell & Moon asked for permission to pile building material at 416 and 418 on Sixth East Street. Granted.

Joseph Watson et al. asked for an extension of water mains on Seventh South Street to between Fourth and Fifth East streets. Committee on waterworks.

Peter Johnson et al. asked that A. B. Stewart be appointed special policeman. Granted.

James I. Neff and sixty others asked that all that portion of the Jordan & Salt Lake Canal lying north of Seventh South Street be abandoned, and that it be offered for sale to abutting property owners. Committee on Salt Lake & Jordan Canal.

George Olsen et al. asked for an extension of watermains on Fifth East Street from present terminus to William Street, one block south of Ninth South Street. Committee on waterworks.

E. Farondo asked for a rebate on merchants' license. Committee on license.

H. Pembroke asked that a four-inch water main be laid on Franklin Avenue for the reason that the present pipes in that locality do not carry sufficient water to enable residents to comply with the city sanitary regulations. Committee on waterworks.

Kelsey & Gillespie, through their attorney, R. H. Cabell, asked for relief from tax sale. Referred to the city attorney.

Peter Johnson et al. asked that Fifth North Street, between Third and Fourth West Streets, be put in passable condition. Committee on streets.

W. H. H. Spafford et al. asked for an extension of water mains on First East Street, from corner of Fourth South to midway between Fourth and Fifth South streets. Committee on waterworks.

The Fisher Brewing Company asked for a six-inch watermain from the present terminus on Second South Street to their brewery. Committee on streets.

MR. SMITH'S DEFENSE.

The following statement of facts from Mr. S. H. B. Smith was read and referred to the committee on sanitary regulations:

To the Hon. Mayor and City Council of Salt Lake City:

GENTLEMEN:—I would respectfully represent that I did not intend any disrespect to your honorable body by bringing my cows back to the Tenth Ward, but it was because of the bad state of the roads that rendered it impossible to haul feed for them, and to have allowed them to remain there in a starving condition would have been a case of cruelty to animals.

Now, in compliance with the order of the Mayor and City Council, directed to City Marshal J. M. Young, to remove my cows, I have the honor to inform the Mayor and City Council that I have again removed them outside of the city limits, and that they are again in a starving condition on account of continued bad state of the roads. Now I wish to inform the Council that I have plenty of lucern and other feed in my barns, in the Tenth Ward, sufficient to last for some time to come, and I hereby submit the case for your consideration. I wish also to remind the Council that my barns are first-class structures, with floors where the cows stand; that not one drop of moisture has ever penetrated through; that my cow yard has a hard cement bottom that is impervious to water; that it has been our habit to haul the manure away daily, and that we have kept one of the most cleanly dairies in the city corporation, which has been proven time and again, and that nine-tenths of our neighbors have signed petitions in our favor when we have been so unjustly assailed by a certain class that have no real cause of complaint whatever.

I also wish to state that although that ordinance passed the Council seven months ago, no one has been molested except myself. I would not infer by this that that ordinance was passed for my special benefit, but it seems to me as a little singular, when taken into consideration, that I was prosecuted on complaint of one of the city officers; and in that complaint I was charged with keeping more than three cows contrary to the ordinance, making it a misdemeanor, punishable by not exceeding $100 fine, or imprisonment not exceeding thirty days for each offense. Now, it is well known that there are many places in this city where only two or three cows are kept that are very much neglected, and would more properly come under the head of "nuisances" than other places where four or more cows are kept in a proper and cleanly condition.

Now I believe it is well established that good laws do not require impossibilities, and it is impossible to haul the feed to the cows where they are now located, and as I paid the city taxes on the cows last year, [illegible] the order to remove them last fall, I indulge in the hope that your honorable body will be so kind and considerate of the circumstances in this case as to allow me to bring the cows back to the Tenth Ward until the case can be decided in the district or higher court.

WANTS MORE ROOM.

City Engineer Doremus requested that in order to properly test the materials to be used in Parley's canyon conduit, it would be necessary to have a room for that purpose. He could manage to get suitable quarters for his office at $25 per month, and inasmuch as he would have to remove when the legislature meets, he suggests that the quarters be secured.

The report was adopted and the engineer authorized to lease the quarters.

The same officer reported that there was due Hines & Auer, for well sinking, $328.

He also reported that a right of way had been obtained for the Parley's canyon conduit across the military reservation, from the authorities. Adopted.

CONFIRMED.

The Recorder reported that the notices of intention to extend the water mains on the following streets had been published: Apple Street, Eighth South Street, Fourth South Street, Seventh South Street, M. Street, First West Street, Currant Street, Peach Street. The assessments were confirmed.

SIDEWALKS.

The street committee offered the three following resolutions, all of which were adopted:

RESOLUTION NO. 1.

Resolved, That the recorder be requested to publish notice of intention to lay sidewalks in the following named districts, giving the boundaries thereof, the estimated cost and expense of same, and designating the time set for hearing the objections, if any, to the proposed improvements.

In District No. 1. Both sides of First South street from East Temple street to First West.

In District No. 2. Both sides of First South street from East Temple to Second East street.

The material to be cement.

RESOLUTION NO. 2.

Resolution No. 2 reads:

Resolved, That the recorder be instructed to publish notice of intention to lay sidewalks in the following named districts, giving the boundaries thereof, the estimated cost thereof and the objections, if any, to the proposed improvements.

In District No. 1. Both sides of First South from First to Fourth West streets.

In District No. 2. Both sides of First South from Second East to Eighth East.

In District No. 3. Both sides of Second South from First West to Fifth West.

In District No. 4. Both sides of Second South from Second East to Eighth East.

In District No. 11. Both sides of South Temple from East Temple to Third West.

All walks east of Second East to be six feet in width, the remainder to be eight feet in width.

The material to be of brick.

RESOLUTION NO. 3.

Resolved, That the recorder be instructed to publish the notice of intention to lay sidewalks in the following named districts, giving the boundaries thereof, the estimated cost and expense of the same, and designating the time set for hearing the objections, if any, to the proposed improvements.

In District No. 8. Both sides of First East from South Temple to Fourth South.

In District No. 3. Both sides of Second South from East Temple to First West.

In District No. 4. Both sides of Second South from East Temple to Second East.

The material to be asphalt.

DEFEATED.

The following from Mr. Pembroke was defeated:

I move that the recorder be instructed to publish notice of intention to pave the sidewalks of that portion of District No. 4 embraced within East Temple and Fifth East and all of District No. 5, all being on Third South Street, the material to be asphalt between West Temple and First East and the balance to be of brick.

Mr. James was opposed to brick pavements from beginning to end and thought that the Council was taking a big risk in adopting a resolution that provided for so much brick paving. However, he did not expect to be a member of that body when the brick would be tested. So there!

Mr. Hall favored stone flagging, but if the Council was determined to send to California for stradamant mastic material, or to England for Portland cement, then he would be compelled to submit to it.

Mr. Pickard said that he sincerely hoped that the Council would not lay brick on the sidewalk adjoining his property, inasmuch as he knew something about that kind of material.

Mr. Barton, the manager of the Stradamant Mastic Asphalt Company, stated that he could commence work immediately with open kettles, but if a wait occurred until the plant could be brought here it would delay the work about forty days.

FROM THE LICENSE COMMITTEE.

The committee on license represented that, under the terms of the franchise, the Rapid Transit Company was required to pay into the city treasury 1½ mills for each fare collected. The company had been to constant expense thus far in starting the operation of its lines, and the whole of the year would be occupied in completing its lines. So that there would be no net income to the company for that period.

The committee therefore recommended that the license of the company for 1891 be remitted. The matter went over for one week.

FROM THE COMMITTEE ON WATERWORKS.

The committee on waterworks made the following recommendations: That the petition for the extension of the water mains on First East Street, Eleventh East Street, Fourth East Street, First South Street, and South Temple Street be granted; that the petition of F. P. Poitier for the extension of the water mains on Second West Street from the corner of First South ten rods north, be granted at the expense of the petitioner; that Mrs. Heggie's petition for the remission of tax for extending the mains be granted. Adopted.

STREET SPRINKLING.

The committee on street sprinkling reported that the sprinkling district recently created covered thirty miles of streets, and they estimated that the cost of sprinkling the same would be $50,000, or ten cents per front foot. They also recommended that the tax be assessed by the front feet on the property abutting on the streets within said district.

WALDEN DEFEATED AGAIN.

Treasurer Walden wanted the petition of S. H. B. Smith taken from the committee in which it had been referred in order that it might be acted upon forthwith. Filed.

IN DEFENSE OF NATIVE PRODUCTS.

The following resolution from the Chamber of Commerce was read and on motion of Mr. Pembroke a copy ordered sent to the Board of Public Works:

Resolved, That it is the sense of this board, repeatedly expressed, that it is the duty of our city and local authorities to utilize native products in all public work where such native products will meet the proper requirements.

CAN'T SPARE THE MONEY.

The committee on finance reported as follows:

Your committee on finance, to whom was referred the annual report of the city treasurer, recommends that the same be filed, and so much of it as will be of interest to the public be published. Referring to the changes recommended in license rates, your committee, after careful consideration, do not consider it would be just to abolish the merchants' license and allow this tax to remain on other lines of business that pay fully as much tax as the merchants. The city is not in a position at present to do away with this entire revenue. We, therefore, recommend that the merchants' license remain as it is, until such time as the city is in a position to get along without this source of revenue. In regard to the liquor license, we recommend that no license be issued for a shorter period than six months. We further recommend the adoption of the attached schedule of license rates, which agree with the recommendations of the treasurer, with but few exceptions. The recommendation that each department shall hereafter make a settlement with the treasurer once each month, and that the auditor and treasurer make a full and complete report to the Mayor and Council once each month, we think should be adopted. We also favor the adoption of the recommendation in regard to the deputy treasurer. We attach hereto a supplementary report from the treasurer and recommend its adoption."

Action was deferred for one week.

STILL ANOTHER.

St. V. LeSieur submitted the following proposition for paving: Asphaltum pavement, of 1-inch calico-mastic pavement, 12c. per square foot; same pavement 1-inch thick on a 2 inch concrete base, 18c. per square foot; solid asphaltum pavement, 2 inches thick, 18c. per square foot. Referred to the Board of public works.

THE PUBLIC BUILDING.

Mr. Hall said he wished to submit a form of attestation of the contract between the joint city and county.

Mr. Karrick asked that action be deferred for one week.

Mr. Cohn opposed this, on the ground that it was no report or amendment.

The Chair ruled that Mr. Cohn was right, and decided that Mr. Karrick was out of order.

The attesting clause was approved, Pembroke, Pickard and Karrick voting no, and Lynn being excused.

OPEN TO COMPETITION.

The following resolution from the joint building committee was read and adopted:

That the joint committee recommend to the City Council and County Court that the plans for the joint city and county building to be erected on the Eighth Ward Square be open to competition.

VARIETY THEATRE LICENSE GRANTED.

The committee on license again reported favorably on the granting of a retail liquor license to C. S. Ford, at the Franklin Avenue Variety Theatre.

Mr. Pembroke stated that the opposition to granting the license came from the churches. In his opinion the churches had no business to meddle in municipal affairs. He had always fought against one church. He would not now discriminate in favor of others. He was determined to oppose church domination first, last and all the time.

Mr. Hall said that he was a church member, but that his church had never dictated the course that he should take with reference to the matter under discussion. If it were to do so he would withdraw forthwith.

The vote was then taken on the granting of the license and resulted as follows: Ayes—Pickard, Pembroke, Noble, Cohn, Karrick, Lynn. Noes—Pendleton, Spafford, Wolstenholme, Hall, James.

Mr. Hall insisted that it was eminently proper and requisite that Acting-Mayor Parsons cast his vote either one way or the other.

Mr. Parsons said that he was undecided as to whether or not it would be legal for him to vote as there was no tie.

Mr. James also demanded that Mr. Parsons' vote be recorded.

Mr. Parsons then voted against the granting of the license.

Mr. James then moved to adjourn but the motion was voted down.

Mr. Hall moved that the petition be referred back to the committee.

Mr. Spafford moved that the matter be deferred for one week. Carried.

On motion of Mr. Noble the vote to defer was reconsidered on a ballot of 5 to 6.

Mr. Hall denounced further action in the matter as arbitrary and unfair inasmuch as some of the members were absent.

A war of words waged warmly for several minutes more, when the final vote was taken and resulted as follows: Ayes—Pickard, Pembroke, Noble, Cohn, Karrick, Lynn. Noes—Pendleton, Spafford. Excused—Wolstenholme, Hall, James.

Mr. Parsons declared the license granted.

CITY ATTORNEY MERRITT RESIGNS.

The following letter was received from City Attorney Merritt:

To the Honorable Mayor and City Council:

Gentlemen—I hereby tender my resignation as city attorney, to take effect on the 31st inst., or sooner, at the pleasure of the Council, and respectfully ask its acceptance. A serious impairment of my health compels this step, which I take on the recommendation of my medical adviser, who advises me to leave here and spend some time at sea level. With many thanks for the uniform courtesy received by me from your honorable body, and with a sincere wish for the success of your administration, and for your personal welfare, I have the honor to be, very respectfully, your obedient servant.

S. A. MERRITT.

Laid over for one week.

Adjourned until Tuesday next.

THE RAYMOND TRIAL.

Much Difficulty Experienced in Selecting a Jury.

THIS MORNING'S PROCEEDINGS.

An Objection to the Death Penalty Freely Expressed—Conscientious Scruples.

In the Third District Court yesterday afternoon the charge of rape against Walter Walker was tried. United States Assistant District Attorney Critchlow conducted the prosecution; Mr. C. O. Whittemore defended. The indictment alleged that the offense was committed August 1, 1889, upon Louise Walker, his own daughter, at Peoa, Summit county.

The court room was cleared of the general public during the hearing of the case. Louise Walker was the first witness. She positively denied that her father had ever committed the offense charged.

Mr. Critchlow said the failure of proof was a surprise to him.

Judge Zane suggested that the only thing to be done was to instruct the jury to return a verdict of not guilty. This was done, and the defendant was discharged.

A FINE REDUCED.

Attorney Arthur Brown, on behalf of Samuel Riegle (sentenced during Tuesday morning to pay a fine of $350 for permitting gaming in his Club-rooms) directed the Judge's attention to an error in the section of the law as it appears in the compiled laws, under which Riegle was sentenced.

[illegible]—The section reads as follows: "Except in cases where a different punishment is prescribed by this code, every offense declared to be a misdemeanor is punishable by imprisonment in the county jail not exceeding six months; or by a fine in any sum not less than $300, or by both."

Mr. Brown said the law should read that such offense may be punished by imprisonment and by a fine in any sum less than $300. The word "not" was an error in printing, as the section reads a man might be fined a million dollars.

Judge Zane reduced the amount of the fine to $200.

"A RECKLESS PIECE OF WORK."

J. M. Duggins next appeared on a charge of adultery, Mr. Dickson defending and Mr. Critchlow prosecuting. The indictment alleged that the offense was committed at the White House, this city, on October 30th last, with Louise Oldfield.

George Crookston was the first witness called. He testified—I reside at American Fork, and am acquainted with Louise Oldfield, who also resides at American Fork. She is unmarried. I saw the defendant and Miss Oldfield together several times at American Fork last fall. She left home last fall.

Deputy Marshal Monahan said—I reside at Provo and am acquainted with Jim Duggins. He is a married man. In the latter part of October last I saw him and Miss Oldfield coming to this city on the train. I saw them at the door of the White House at 11 o'clock that night. Later on I went to Mr. Duggins' room with Deputy Marshal Doyle, who woke the defendant up and told him he had a warrant for his arrest. We then entered and found Mr. Duggins in his night clothes. His room opened into another, which was occupied by Miss Oldfield. We woke her up, and after she had dressed she let us in. The bed in Mr. Duggins' room had been occupied.

Orlando Fay stated that in October last he was night clerk at the White House. On the night in question the defendant and Miss Oldfield took separate rooms at the White House. There was a door communicating between the two rooms, as was the case in all the rooms on that floor.

Mr. Critchlow said the only other witness for the prosecution was Deputy Marshal Doyle, and as he was too ill to attend he would close.

Judge Zane—Well, I don't suppose you will claim that there is sufficient evidence on which to claim a conviction?

Mr. Critchlow—I suppose not.

Judge Zane—The jury will return a verdict of not guilty.

Mr. Dickson—I would suggest that it was a very reckless piece of work for the grand jury to indict on such testimony.

Mr. Varian (in a tone of sarcasm)—Well, you had better cite the grand jury.

Mr. Dickson—I repeat that it is a reckless piece of work to indict a man and besmirch his character on such testimony.

After some further conversation the matter dropped.

THE RAYMOND MURDER CASE.

Frank Raymond was then placed on his trial for the murder of "Mickey" O'Brien in December, 1890. Messrs. Varian and Critchlow prosecuted.

Judge Powers appeared for the defendant and stated that Raymond was accused of killing O'Brien at the Western Hotel saloon, near the Rio Grande Western depot. He proceeded to examine the following jurors on the regular panel: Frank Jennings, Harry Nichols, E. Sorenson, M. J. Cheesman, J. A. Heise, Benjamin Winchester, J. J. Daly, Fred Little, M. Hodgman, J. T. Buckle, J. C. Dunbar, Samuel Perry.

Mr. Nichols was excused because he had a fixed opinion as to the guilt or innocence of the accused.

Mr. Daly stated that he could not try the case impartially and was allowed to go.

Mr. Cheesman was excused on the same ground.

Mr. Heise was excused for the same reason.

Mr. Dunbar was challenged for implied bias and excused.

Mr. Winchester did not think he could try the case impartially and was excused.

Mr. Perry was excused for actual bias. Mr. Buckle had strong conscientious scruples against capital punishment and was excused.

Messrs. Jennings, Little, Hodgman and Sorenson were passed for cause and the box was filled by calling Charles Gourlay, J. W. Skinner, Gideon Snyder, F. A. Dix, Daniel McDonald, A. J. Pendleton, jr., J. L. Nebeker, J. G. Mitchell.

Mr. Gourlay was excused because he had conscientious scruples against capital punishment.

Mr. Skinner stated that he could not try the case impartially and was excused.

Mr. Pendleton and Mr. Nebeker were allowed to go for similar reasons.

The others were passed for cause, and Mr. Varian exercised his first peremptory challenge by excusing Mr. Snyder.

Judge Powers excused Messrs. Dix and Jennings. Messrs. Sorenson, Hodgman, Little, McDonald and Mitchell were sworn to try the case.

The next call brought into the box Messrs. Murphy, Johnson, Goodline, Hardy, Purcell, Dickinson and Martin, all on the regular panel.

Messrs. Goodline, Murphy, Hardy, Johnson, Dickinson were accepted.

Mr. Purcell was challenged peremptorily by Mr. Varian, and Mr. Martin was accepted and sworn.

This made six jurors secured, and the court then adjourned.

TODAY'S PROCEEDINGS.

When the Court reassembled this morning the work of empaneling a jury in the Raymond case was resumed. The following gentlemen were called: Messrs. James Eager, A. H. Kelly, John Tiernan, Wm. Van Houghton, Thomas Guest, Ben Conklin and L. S. Hills. They were first questioned by Judge Powers in regard to their fitness to serve.

Mr. Eager then said he had read and conversed about this case and had formed a fixed and settled opinion—one which it would take strong evidence to change. Judge Powers challenged Mr. Eager for cause and he left the box.

Mr. Tiernan said that he, too, had a very strong opinion. He was ready to listen exclusively and impartially to the evidence, but it would require strong testimony to change his views.

Judge Powers challenged for cause.

Judge Zane—You had better stand down, Mr. Tiernan.

Mr. Van Houghton had formed a fixed and settled opinion—one which was quite irremovable by evidence.

Judge Powers challenged for cause.

Judge Zane—You may stand down. A man who has formed such an opinion as that is not fit to sit upon a jury anyhow.

Mr. Guest had formed a positive opinion, having talked with eye witnesses of the tragedy.

Judge Zane—You may be excused.

Mr. Hills had read newspaper reports of the case, but thought he could act impartially on the evidence adduced. He would not hesitate to give the defendant the benefit of a doubt if the testimony warranted.

Mr. Conklin, notwithstanding what he had heard and read of the case, had no bias nor prejudice, and could act conscientiously if sworn as a juror. He would give the accused the benefit of a doubt, and be guided solely by the evidence. He was not opposed to the death penalty.

Messrs. Hills and Conklin were accepted and sworn.

Messrs. A. H. Kelly, J. A. Groesbeck, W. E. Crutcher and W. R. Holland were next called into the box. These gentlemen having been examined as to their statutory qualifications,

Mr. Kelly, in reply to Judge Powers, said he had no fixed opinion at the present time as to the guilt or innocence of the accused, and he knew of no reason why he could not try the case impartially.

Mr. Groesbeck entertained a fixed and settled opinion. He could not try the case impartially, having "a general prejudice against any man who would strike down his fellow-man."

Judge Powers challenged for cause, and remarked that Mr. Groesbeck should not have made the last statement. There might be cases where a man was justified in striking down his fellow-man.

Judge Zane—He is excused.

Mr. Crutcher had read of the case, but had no bias nor prejudice and could act fairly and impartially. He, nevertheless, "had conscientious scruples [illegible] sitting on a jury where a man was on trial for his life."

Mr. Holland said it would take pretty strong evidence to change the opinion he now held. The opinion had been formed from what he had read of the case in the newspapers. He could not sit and try this case on the testimony.

Judge Zane—Stand aside.

Messrs. Kelly and Crutcher were sworn.

R. T. Burton, Jr., and Thomas J. Almy were next called forward, and the usual statutory questions were put to them.

Mr. Burton said he had formed an unqualified opinion — one which it would require very strong evidence to remove. He was challenged for cause and vanished from the jury box.

Mr. Almy said he would "try to" sit and act impartially in this case. His opinion was not an unalterable one, but he would require a reasonable amount of evidence before convicting the accused. He "would rather be in a different frame of mind from what he was at present to act as a juror;" but "I think I could, and I know I would," he added, amid some laughter, "try the case fairly." Mr. Almy's services were dispensed with.

Messrs. McGillvery and Frederick Crowton next went through the preliminary ordeal of questioning. The former replied to the interrogations of Judge Powers that he thought he could try the case fairly. He had neither bias nor prejudice and believed he could act solely on the evidence. If he honestly believed that the defendant was justified in what he did he would give him the benefit of the doubt, and stand for an acquittal.

Mr. Crowton had no fixed opinion in the case and thought he could act with impartiality as a juror. He was acquainted with the defendant, and had held a qualified opinion.

Mr. Crowton was excused by the defense and Mr. McGillvery by the prosecution.

Messrs. E. M. Onion and C. D. Brennan next took their seats in the jury box.

Mr. Onion did not think he could act conscientiously, simply for the reason that he was strongly opposed to capital punishment.

Mr. Varian—If the evidence is sufficient to clearly prove the guilt of the accused, would your conscientious scruples prevent you from finding a verdict because the penalty might be death?

Mr. Onion—I suppose under my oath I would have to find him guilty if the evidence was strong enough.

The gentleman was excused.

Mr. Brinton knew of no reason whatever why he could not act impartially. He had no prejudice in favor of or against the defendant. He was accepted.

Mr. M. S. Ascheim was called, peremptorily challenged by the defense, and excused.

This left one juryman yet to be chosen, but the regular jury panel being now exhausted, a second panel had to be called. The court adjourned for five minutes. On re-assembling,

Ephraim McLaughlin was called, and when asked by Judge Powers the formal question whether he was a citizen of the United States, he replied with a knowing look and a smile—"Supposed to be; I've never been out of it." His answers generally were given in a somewhat flippant style.

A peremptory challenge was made by the defense and Mr. McLaughlin was excused.

Mr. T. A. Davis came up next. Independently of what he had read in the newspapers he could act impartially upon the law and evidence. He, however, objected to the infliction of the death penalty.

Mr. Davis was excused.

Ole Jorgenson, a Norwegian, next called, said he had not formed an opinion and could sit impartially as a juror. He was challenged by the prosecution and excused.

A. Hammond, Senr., had formed no opinion whatever as to the guilt or innocence of the accused, but he was opposed to capital punishment. His conscientious scruples would not allow him to convict of murder in the first degree. He was excused.

Colonel Murray said he formed an opinion at the time of the tragedy, and did not think he could try the case impartially upon the evidence now. He was excused.

The Court at this point took a recess until 1:30, there still remaining one more juror to be chosen.

E. M. Biggs asked to be excused on account of the sickness of his wife. Granted.

C. L. Reed was accepted and sworn.

This completed the required list of twelve, which is as follows:

E. Sorenson, M. Hodgman, Frederick Little, W. E. Crutcher, L. S. Hills, Ben. Conklin, C. D. Brinton, A. H. Kelly, Daniel McDonald, Louis Martin, J. G. Mitchell and C. L. Reed.

United States District Attorney Varian then opened the case for the prosecution, and rehearsed the details of the killing of O'Brien. Judge Powers followed for the defense, by saying that he would not attempt to deny that O'Brien met his death at the hands of Raymond, but he urged that the killing was done in self-defense. Judge Powers was still addressing the jury when our report closed.

The granddaughter of Queen Victoria is wife of Duke Sergius, brother of the Czar of Russia. Information has reached England that Sergius abuses his wife in a shameful manner. He was made governor of Moscow by the Czar a short time ago. This was done to remove him from St. Petersburg, so that the foreign element there would not be witness of the illtreatment. She is coerced religiously and politically. She is compelled to abandon the religion, the race and the traditions of England. She is forced to adopt everything Russian. John Bull is furious and indignant, over this treatment of one of his fair daughters.

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