

The district attorney objected. Objection overruled.

Jesse West and John Swenson testified to having heard McGuffy speak of the case to a crowd of men at the door of the Court House and also in the court room and heard him express himself to the effect that he hoped the defendant would be dealt with as he ought to be, but did not think he would be.

On further examination McGuffy admitted that he might have said something about the case, but not by way of prejudging it, as he did not know anything about its merits.

The juror was excused for cause.

Joseph Weller was called, examined and passed.

The panel being now full, both sides intimated their willingness to accept the jury as it stood, and the following were sworn to try the case—

De Witt C. Thompson, John S. Barnes, Alex. J. Daft, Frank Cislser, James Johnson, Joseph Peck, Ezra Foss, Stephen Hunter, Thos. H. Woodbury, Jr., William Irvin, William C. Morris and Joseph Weller.

U. S. District Attorney Carey and Mr. R. N. Baskin conducted the prosecution and Messrs. Sutherland, Bates and Snow the defense.

Mr. Carey briefly stated the case to the jury, being to the effect that some time in the beginning of July, 1860, David Skeene was arrested in Cache County and confined in a log schoolhouse, in Logan, where a guard was placed over him; that sometime during the night following the day of his arrest, firing was heard and Skeene was found dead, having been shot. The prosecution expected to show that the defendant, Thomas E. Ricks, did the killing, and that deceased was shot while asleep. It was expected that the theory set up by the defense would be that Skeene was shot while attempting to escape from the custody of Ricks, who claimed to be the officer who had him in charge.

George W. Thatcher was the first witness sworn on the part of the prosecution. He lived in Logan in July, 1860, was acquainted with the defendant, who also lived there at that time. Mr. Ricks was sheriff of Cache County then, and called upon witness and some others to go to Smithfield with him and arrest David Skeene. The latter was arrested, taken to Logan and there placed in a log schoolhouse. Witness and his brother, Joseph Thatcher, guarded Skeene from eight o'clock in the evening till about midnight, when they were relieved from guard by Sheriff Ricks. Himself and his brother went home and an hour or two afterwards they heard some shots fired and got up and went quickly in the direction of the schoolhouse. When they reached there, Skeene had been killed and his body was lying about twenty feet from the schoolhouse. Witness got the understanding that Skeene had been killed while trying to make his escape.

Cross-examined by the defense—Witness was armed when he went with the others to arrest Skeene. The log cabin in which Skeene was confined was probably about 15 ft. square. A number of persons were at the cabin in the fore part of the night, but he could not recollect their names. A man named Chambers was with defendant when the latter relieved guard. The door of the building faced south to the street. Witness' house was about two blocks distant from the cabin. Himself and his brother reached there in about ten minutes after hearing the firing. He saw defendant there, also Mr. Card and Mr. Chambers. Did not see Aaron De Witt there. Never saw Skeene till he went to arrest him.

By the Prosecution—Witness did not hear Skeene express any fears that he would be shot.

William Chambers was next sworn for the prosecution. Witness had resided in Harrison County, Iowa, for the last six years. He lived in Logan, Cache County, in 1860. He was slightly acquainted with Mr. Ricks. Recollected David Skeene being killed in July, 1860. Witness and his brother, David Chambers, also George Thatcher and Joseph Thatcher, were placed as a guard over Skeene about 8 o'clock. About 11 or 12 o'clock the three persons named went away, about half an hour after they had gone, Mr. Ricks entered and placed one end of a board in the fire. Skeene was lying on the floor with his feet towards the fire place, and his head to the west. Mr. Ricks then went out and as he did so said

to witness, "If you see anything, don't move," and then said something in a louder tone about tobacco, but witness could not recollect the exact words. Mr. Ricks soon returned, accompanied by a tall man with a slouched hat, whom he did not know. Mr. Ricks and this man went within about two feet of Skeene, holding each other, and fired at Skeene, after which the two hastily left the building. Skeene jumped to his feet and moved towards the door and as he did so other shots were fired at him from the door. Two persons, not Ricks nor the tall man, then came in and took Skeene outside, the latter the while striking out with his arms as if struggling with them to get away. He heard the sound of footsteps as of persons running away from the building. Witness went outside and saw Mr. Ricks fire a shot at something that was lying on the ground, which he supposed to be the body of Skeene.

By the defense.—Witness was sitting on a bench in a corner of the room when the circumstances narrated by him took place. There were two windows, one facing north and the other west. Witness did not attempt to prevent the shooting. He had a pistol, which had been given him by George W. Thatcher. Did not hear any knocking at the back window, and did not hear Mr. Ricks tell the tall man to go around and see who was knocking. Did not know who the parties were who led Skeene out of the building. It was not Mr. Ricks nor the tall man already mentioned. Skeene appeared to be trying to get away from them. Skeene still stood upon his feet after the firing from the outside. He did not see Skeene rise and make a grab for Mr. Ricks.

The witness's memory here seemed to be exceedingly faulty. He believed there was an inquest held on the body the next day. He did not know who was then the sheriff of Cache County. He could not remember whether he was sworn as a witness at the inquest. The inquest was held in the same cabin Skeene was confined in. Did not recollect whether Mr. Ricks was sworn. Did not recollect whether he was particularly questioned at the inquest. The questions were mostly put to Mr. Ricks. Witness was asked at the inquest whether Mr. Ricks' statement then made was true, and he answered that he believed it was. Did not remember having testified that Skeene went after Ricks and took hold of him as if to take his revolver. Did not remember whether he testified that in the struggle one shot fired by Mr. Ricks went into the floor without taking effect, and another went in another direction. Did not remember saying that he feigned sleep when in the schoolhouse on guard. Did not remember anything about a justice of the peace named Landers. He believed there were writing materials at the inquest; did not remember whether C. O. Card was the coroner; he did not remember Barney Stanford; did not remember whether the coroner read his testimony to him after he had given it. Witness left Logan about the end of August of the same year, and went to Spanish Fork, where he remained till 1861, when he went to Iowa, where he remained ever since. He did not know any of the Skeene family till he arrived in town last Friday night. Had told the circumstances of the killing of Skeene to members of his own family and to Jonathan McKee, who now lives in the States. Witness had never had any quarrel with Mr. Ricks. Had heard of Peter Maughan. Did not know anything about his being a judge of probate, nor of Skeene being examined before him. Witness came outside, when he saw Mr. Ricks fire the last shot at Skeene. The reason why he did not testify at the inquest as he did now was because he thought there might be another coroner's inquest.

Mr. Baskin, for the prosecution, asked the witness what reason he had for not telling the truth at the inquest.

Witness said, Because of past experience, but no one there had intimidated him.

Mr. Sutherland moved to strike out the answer.

By request of the Court Mr. Patterson, the reporter, read his notes, and, as the answer had no bearing on or connection with the case, it was stricken out, the motion being sustained.

By the defence.—Soon after wit-

ness went out of the school-house, a crowd of men gathered around the body, and there was also a woman there.

Thomas Pollard was next sworn on the part of the prosecution. He was acquainted with Mr. Ricks, and had also been acquainted with Skeene for about two years before he was killed.

Witness's house was about sixteen rods from the school house. He heard firing on the night Skeene was killed. He ran towards the school-house and saw Skeene lying upon the ground, about twenty feet from it. Skeene's shirt was on fire and witness extinguished the flame. The defendant was the first man he saw and a crowd soon gathered. He afterwards saw a bullet hole in the floor of the school-house, and another in the sash of the north window. Did not see any of the shots fired.

By the defense.—The bullet made a hole clear through the floor to the ground. George Watson, John Pearson and John Nelson came up about the time witness did. Pearson assisted witness to carry the body into the schoolhouse.

By the prosecution.—He also saw Aaron De Witt, George W. Thatcher and Mr. Birdno there.

Aaron De Witt was sworn a witness for the prosecution.—On the night that Skeene was killed he was living at Mr. Ballard's house. On hearing shots fired he jumped out of bed and hastened in the direction of the schoolhouse. He saw the defendant fire at Skeene as the latter lay against some logs. Heard some one say (thought it was Skeene), "That is enough," and heard defendant say to Skeene, "Get up and run." Witness went back and dressed himself. Afterwards saw a bullet hole through the floor of the schoolhouse and another in the sash of the north window.

By the defense.—Was in bed when he heard the firing. Did not take a gun with him when he went to the schoolhouse. Heard two shots before he went out, and saw defendant fire two more after he went out. Did not go up to the schoolhouse till after he went back and dressed. Had not any difficulty with defendant. Saw no others than defendant and Skeene when he first went out.

Court adjourned till nine a.m. to-day.

TO-DAY'S PROCEEDINGS.

William Chambers was recalled and cross-examined by the defence. During the fore part of the evening Skeene was up and about the room. He lay down on the floor about half an hour after the Thatchers left. The bed was composed of blankets or quilts, with which he was all covered, with the exception perhaps of his head. Thought he lay on his side. Did not recollect which side. Did not recollect at which part of the body Ricks and the tall man pointed their pistols. When he saw defendant fire the last shot at Skeene, the latter's body was lying west of the schoolhouse. Thought there was no addition to the schoolhouse.

John Nelson was sworn for the prosecution. Was acquainted with defendant. Did not know Skeene till after he was arrested. He guarded him one night. Talked with Skeene about the bad career he was said to be taking. Went to the school-house after Skeene was killed. The firing woke him up. Skeene's clothes were not on fire when he got there. There was a bullet hole in the sash of the north window, and one through the floor. The prosecution rested.

Mr. Sutherland here explained the theory of the defense, indicating the character of the evidence that would be introduced.

Mr. Baskin objected to the explanation, beforehand, of the evidence expected to be introduced by the defense, as some things might be elaborated that would not be admissible as evidence when it should be attempted to be introduced, and a wrong impression be made on the jury.

The Court said he did not think the jury, under their oath, would take Mr. Sutherland's explanation as evidence.

James Leishman was sworn on the part of the defense. Witness is the County Clerk of the County of Cache. He produced the original record of the County and Probate Courts, and the papers in the case of Skeene. Peter Maughan was Probate Judge of Cache in 1860, and Thomas E. Ricks was sheriff at that time.

The following papers were put in as evidence and read, with the exception of the record of the Coroner's Inquest, which was to be put in evidence this afternoon—

"Territory of Utah," ss.
Cache County.

"Be it remembered that on this twenty-seventh day of June, A. D. 1860, personally appeared before me, Peter Maughan, Judge of the Probate Court within and for Cache County, Charles H. Rammell, a citizen of said county and said Territory, who, upon being sworn in due form of law upon his oath, saith, that on or about the fifteenth day of June, inst., in the County of Cache at said, one David Skeenes, as he verily believes, did steal, take and carry away a certain mare and colt and one horse, belonging to the said Charles C. Rammell, the complainant, said mare and colt and horse being of the value of two hundred and fifty dollars, in violation of the statutes of said Territory. Affiant further says that he verily believes that the said David Skeenes has gone with said animals to parts to him unknown, and prays that a warrant may issue for the arrest of the said David Skeenes, that he may be dealt with according to law, and further deponent saith not."

"C. H. RAMMELL.
Sworn and subscribed to the day and year first above written.

PETER MAUGHAN,
Judge of Probate, Cache Co., U. T.

"Territory of Utah," ss.
Cache County.

"To the Sheriff of said county, or any of his Deputies, or other proper officers, Greeting.

"Whereas complaint has been made before me, the undersigned, Judge of the Probate Court for Cache County, on the oath of Charles Rammell, that one David Skeenes did on or about the 15th day of June inst., in the County of Cache, Territory aforesaid, steal, take and carry away a certain mare and colt and a horse, the property of the said Charles Rammell, of said County of Cache, said animals being of the value of two hundred and fifty dollars (\$250.00), and that said David Skeenes has gone to parts unknown to him, the complainant, with said animals:

"These are therefore to command you to arrest the said David Skeenes, if found in this county, and bring him, together with said animals, if the same can also be found, forthwith before me at the Court House in Logan, to be dealt with according to law. Hereof fail not, and of your doings, make due returns hereon.

"Given under my hand this twenty-seventh day of June, A. D. 1860, at my office in Logan, in said County of Cache, U. T.

"PETER MAUGHAN,
Judge of Probate for Cache Co.

"I have served the within by arresting the said David Skeenes, and have him now in my custody before the court this 30th day of June, 1860.

"THOS. E. RICKS, Sheriff Cache County.

"Territory of Utah," ss.
Cache County.

"Probate Court for said County, June 27th, 1860.

"Before Hon. Peter Maughan, Judge, In Chambers.

"The People vs. David Skeenes." On examination for Larceny.

"June 27.—Affidavit filed by Charles H. Rammell, and a warrant issued for the arrest of the said David Skeenes, directed to the Sheriff of Cache County, returnable forthwith.

"June 30.—Warrant returned, endorsed, 'I have served the within by arresting the said David Skeenes, and have him now in custody before the Court, this 30th day of June, 1860.'

"THOS. E. RICKS, Sheriff, Cache County."

"The prisoner having pleaded that he was not ready for trial on account of the absence of important witnesses, the Court ordered an adjournment until the fourth day of July next, at 10 o'clock a.m., and directed the clerk of the Court to issue subpoenas for witnesses on behalf of the prisoner."

"PETER MAUGHAN, Judge of Probate.

"Territory of Utah," ss.
Cache County.

"Probate Court for said County, Larceny, July 4th, 1860.

"The People vs. David Skeenes." Before Hon. Peter Maughan, Judge, In Chambers.

"T. E. Ricks, Sheriff of said County, appeared before the Court with a report of the Coroner's Inquest held upon the body of David Skeenes, who, according to evidence contained in said inquest, was shot on the night of the 2d inst., in attempting to make his escape from the guard."

"PETER MAUGHAN, Judge of Probate.

"A regular term of the County Court was held March 5th, 1860.

"PETER MAUGHAN, Probate Judge, presiding."

"WILLIAM GARDNER, Selectmen."

"CHARLES SHUMWAY, Selectmen."

"DAVID B. DILLE, "

"The Court appointed Thomas E. Ricks Sheriff in the place of Samuel Park, removed from said county, until the next general election."

"FRANCIS GUNNELL, Clerk, per JAMES H. MARTINEAU.

"Names of jury summoned to hold an inquest over the body of David Skeene, Logan, July 3rd, 1860—

"William Steele, William B. Preston, D. B. Dille, John Nelson, Cyrus W. Card.

"Ebenzer Landers, officiating Justice of the peace, who swore the jury to render a verdict according to law and the evidence given."

"Witnesses.—Thomas E. Ricks sworn. Stated that he, the deceased, came at him and took hold of him, as though he was after his (Thomas Ricks') revolver, and he (Thomas Ricks) threw up his hand to ward him off and shot at him at the same time, but believed that the ball took effect in the floor; after which he, the deceased, made at him again, and he shot at him again and again till he fell."

"William Chambers sworn and corroborated with and further testified that he had long watched him, and that he (the deceased) thought that he (William Chambers) was asleep when he made a grab at Thomas Ricks."

"James Denning sworn. Said that the first he knew of it he heard the shooting and came as quick as possible and found him dead."

"James Pierson sworn. Stated that he saw men lurking around the street in different places about two hours before the shooting commenced, and that one of them put his hand to his revolver as he (James Pierson) passed him. He thought that they were trying to get the prisoner away from the officers."

"N. W. Birdno sworn. Said he saw one man running from the scene and the direction of the schoolhouse north, at the top of his speed, and he hailed him, but he would not stop nor slacken his pace."

"The court then called on the surgeon, David B. Dille, to examine the body, which was done by the assistance of the jury, and found five bullet holes in it—three in and about the breast and two in the loins."

"Justice's Decision.—From the testimony before the court it is evident that the deceased came to his death in attempting to make his escape from the officers and guard that had him in custody."

"Each juror swore and fully corroborated in the following order—Jno. Neilson, D. B. Dille, Wm. B. Preston, C. W. Card, Wm. Steele, Jno. E. Jones."

"Signed, Logan, July 3rd, 1860.

"E. LANDERS, Justice of the Peace."

"Names of persons present—C. O. Card, Chancy Rogers, Eli Bell, G. B. Thatcher, Edward Trimmer, James Hamilton, Thos. Roberts, Wm. Knowles, Barney Stanford."

"Territory of Utah," ss.
Cache County.

"I, James A. Leishman, County Clerk of said County, do hereby certify that the foregoing are true transcripts of the records and judicial proceedings of the County of Cache, in said Territory; that the originals thereof are now in my custody, in this office, from which I have made the foregoing transcripts."

"In witness whereof I have hereunto set my hand, and affixed the seal of this office this tenth day of February, A. D. 1875, pursuant to Sections 427 and 428, of the code of this Territory."

"JAMES A. LEISHMAN, County Clerk."

"Territory of Utah," ss.
Cache Co.

"I, Milton D. Hammond, Probate Judge in and for said County, hereby certify that James A. Leishman is the County Clerk in and for said County, and that the records from which the foregoing transcripts were taken are in this office."

"Witness my hand this 11th day of February, A. D. 1875.

"MILTON D. HAMMOND, Probate Judge, Cache Co."

Charles H. Rammell was sworn for the defense. It was found that it was not necessary to examine this witness, as the prosecution admitted that Mr. Ricks had a right to hold Skeene in custody.

Charles Shumway was sworn for the defense. Witness had lived in Cache Valley ever since the first settlement of that part. He knew Judge Maughan, Probate Judge. Remembered Skeene being killed. He lived at Wellsville then. Saw Judge Maughan the same day at Wellsville. The distance from Wellsville and Mendon to Logan was about ten miles. Peter Maughan visited witness at the latter's house and told him that he had heard of a plot to liberate Skeene, and asked witness to go to Logan and tell Sheriff Ricks, and remain with the latter. Went to Logan, found Ricks and delivered the message to him and remained with him. Witness remained most of the time outside of the building. Went in once or twice. Saw Skeene lying on the floor. Did not see anybody else in there. Heard somebody knock on the north or back end of the Schoolhouse and went around to see who it was. When he went around he saw two and perhaps three men running away from the Schoolhouse, in an easterly direction. He heard shooting and returned to the front of the Schoolhouse, and saw Skeene lying on the ground, west by north of the front of the Schoolhouse. Saw Sheriff Ricks there.

Cross-examined by the prosecution.—Witness did not recollect whether any other parties than defendant were present when he communicated the message from Peter Maughan to Sheriff Ricks. If there was anybody it might have been Mr. Thatcher. Witness did not recognize William Chambers. The latter thought he might have seen the witness before. Stayed at the house of the brother of the deceased at Plain City, since the killing, and might have talked with him about the occurrence. According to his best recollection and knowledge he never escorted the brother of deceased out of Cache Valley by order of Bishop Maughan.

A Telegraphic Blunder.—A telegram received two or three days since, from the north, stated that Justus, son of Mr. Ezra J. Clark, of Logan, had been killed by a snow slide. The name "Ezra J." was incorrect; it should have been Justus, son of Mr. Israel J. Clark.