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It was rolled up in an old tent, with some loose rocks on the top of it. The tent I have seen at Sheriff Turner's. It was an "A" tent. I went to Echo Canyon for the purpose of examining the body. I found some lucern in the tent. The lucern looked as if it had been burned. I found the body very early in the morning. After I recognized the body I proceeded on east to Piedmont. There was no one left in charge of the body. I never saw the body after that. The surroundings of the body helped me to identify it—his clothing, and a finger ring he had on his hand. (Ring produced.) I have seen this ring in deceased's possession, and that is the ring that was on the finger. I knew his clothing. I noticed a stocking partly on one foot; the other foot was bare. I have seen a stockingsaid to have been found by John W. Turner. This stocking on the foot was a mate to the one found. On examining the body, I found the side of the head knocked in, and the lower jaw hung down, as if dislocated. I went in pursuit of Mr. Turner. I found him at Green River. We found a team and wagon there. I identified it as belonging either to the deceased or his father. I negotiated for the team and brought it back. It is now in Mr. Turner's possession. I also found an axe there. In the wagon (the new one) I found blood near the centre of it. I also found some sacks in the corral. The sacks had Mr. Turner's brand on them. On the handle of the axe there was some spots of blood—some on the head and the side. Mr. Allred took charge of this axe.

Cross-examined by Mr. Sharp. I recognize the ring as one belonging to the deceased. There are no special marks about it. But I know it to be the ring. I can swear to it. I know it by having handled it. I saw the sock that was found on the camping ground, and it looked a mate to the one found on the body. The socks were the same color, but I do not know that they were the same size, or the same number. The body when I found it was in a badly decomposed state. It was found some six or seven miles up from the mouth of the canon. Mr. Allred was with me when the body was found. I had no difficulty in recognizing the body. The features was not so changed but I could recognize him as John F. Turner.

Silas Allred, sworn, said: I am familiarly acquainted with John W. Turner and was also acquainted with the deceased. I was also acquainted with the property of J. W. and J. F. Turner. I remember his leaving home; I have never seen him alive since. I have seen him dead, about seven miles up Echo Canyon. It would be in the neighborhood of 35 miles from Park City. The body was found lying about three rods from the main road, behind a large rock. The body was rolled up in a tent with a little earth and a few rocks placed over it. I recognized the tent as belonging to J. W. Turner. The body had on two shirts, pants and vest. There was one sock off and the other partly on. I recognized the body by the hair, and by the manner it was cut, independently of the general features and dress. I knew the finger ring. After we had uncovered the body, and in raising the hand of the deceased, the ring dropped off. Deceased wore that ring two or three years. I also recognized the clothing. After identifying the body, we went on to Piedmont and found a wagon there which belonged to the deceased. It was the old wagon. The wagon was in the possession of Mr. Moss. I also found a pair of horses. I knew the team of the deceased. The horses and wagon belonged to him. I proceeded to Green River in search of more property. I found the new wagon there, also a pair of horses.

[W. H. Moss was here brought into the court, when witness identified him as the man from whom he got the horses.] Identified the horses as belonging to the deceased. Found an axe in the wagon. The axe had some blood on the head and side of it, and also on the handle. There was blood pretty much all over the wagon box on the bottom.

Cross examined by Mr. Sharp: I am a brother-in-law of the deceased. Where the body was found it appeared to be on camping ground. There were several places where there appeared to have been fires. The deceased left home to go to Park City, in the latter part of June. I recognized the body—not so much from the features as the hair and clothing. I saw the ring as it fell from his finger. There is a gold set in it.

There might be other rings like it, but still I have no difficulty in recognizing this ring.

The court then adjourned until this morning at 9 o'clock.

FRIDAY, Feb. 18, 1881.

The court met this morning at 9 o'clock.

The jury having answered to their names,

Wm. Carrol, of Provo, was placed upon the witness stand: I knew the deceased in his life time. I know the defendant. I had some conversation with him several months before he left Provo. In riding along the road with him, he informed me that he and a man named Wisner had made up their minds to break the jail. They intended to gag young Charlie Turner, take the guns and ammunition and make off for the mountains. I told him that he could not get away from the city. He said he could. He could take a gun and kill what he wanted. He also said that if he met Johnny Turner he would kill him as sure as he lived. I said to him, "But you would not kill a man." He replied, "I would kill a man for a breakfast."

Cross-examined by Mr. Sharp: Witness said the accused and he were hunting for a cow when this conversation took place. He did not know whether the prisoner was then free or not. When in prison, he was allowed to go round, and that being the case, being free, witness could not explain why there should be any necessity to gag young Charlie.

Charles Jones of, Park City, said: I knew the deceased in his lifetime. I also knew the accused. I know where their camp was. I was in Park City at the time of this tragedy. On July 3d, between sun down and dark, I passed the camp. Welcome and Emerson were sitting on the wagon tongue; the deceased was sitting a little way off at a fire. I saw the accused and Emerson in town the same night about two hours after that. I saw them going up the street. They had a bundle of blankets with them. I went over past the camp the next morning. I noticed three of the horses were tied up, and the other one was grazing. I saw no one at the camp then. Towards dark I passed the camp again and saw two men, one of them was Welcome but I could not say whether the other was Emerson or not. I saw sufficient, however, to enable me to decide that Johnny Turner was not there then. I visited the camp again on the Tuesday.

Cross-examined by Mr. Sharp: The camp was about 25 feet from the road. I passed the camp frequently. I had known the deceased about 18 months. Some three or four days before the 3d, I saw Turner and Welcome together. I did not see him again until that evening at camp. I never saw the accused and Emerson drinking. I never met the defendant in a saloon. Again passed the camp on the morning of the 4th. The camp presented the same appearance as it did when I saw it before. I saw the deceased with Emerson but once; that was at camp. The camp may be said to be in town, within 300 or 400 yards of the mill.

George Akoff, Park City, sworn, said: I knew the deceased. I recollect the occurrence of the said murder. I know where they were camped. On the morning of the 4th of July I saw the accused near Creek & Dodge's saloon. There was some blood on his shirt sleeve and coat. I said to him, "Fred, has someone hit you?" "No," he said, "some s— of a — has got away with his man."

Cross examined: I have seen the place where the deceased was camped. It might be 50 or 100 yards from the road. I think they were camped there about the 1st of July. The camp might be about half a mile out of town. I saw the accused in front of Creek & Dodge's saloon on the morning of the 4th of July. The blood was on the shirt bosom, and on one of the shirtsleeves. I don't recollect which sleeve. I saw him again that day about noon. He still had on the bloody shirt. I saw the deceased and defendant in town. I also saw deceased and Emerson together in town on the night of the 3rd of July. I did not see them drink any. Emerson and Welcome were at a dance in the hurdy house. I slept at the livery stable that night. Accused had been sleeping in the hay loft, but he did not come in that night. I did not go to look if he was in the loft before I locked the door. I don't think he was there, as the door was not opened until I opened it in the morning.

There is a window in the stable, but I don't think he could have come in or gone out by that window. I got up about three o'clock in the morning and saw deceased standing against the barn.

By a jurymen: I could not say exactly how far the wagons were from the road. They might be 50 yards, and perhaps less.

Cyrus B. Hawley, Pleasant Grove, sworn, said: I was in Park City on the 4th of July. I knew the deceased. I knew the accused about two weeks before. On the morning of the 4th I saw accused in front of Creek's saloon. I said 'hallo,' and he answered in the same way. He said "I hit a g—d— s— of a b— last night." I said, "Is that so?" He said "yes, I hit him hard, too, look at my shirt?" He then talked something about a row in Creek's saloon.

Cross-examined: I would not have noticed the blood on his shirt unless he had shown it to me.

Charles E. Bates, book-keeper, Park City, sworn, said: I recollect hearing of the occurrence of the alleged murder of Johnny Turner. I had known the accused for some time. On the night of the 3d of July I saw the prisoner in the Hurdy House about 11 o'clock. I went through the saloon and saw the accused standing speaking to one of the girls. I took hold of him and asked what had caused the blood on his shirt, when he said "he had hit a s— of a b—, and hit him hard, too, and then choked him?" He said he had a fight with someone. I did not hear of any fight myself. The sleeve of his shirt was all spattered with blood. There was also some blood on his shirt bosom. He then went away and I took no more notice.

Cross-examined: This conversation took place in the saloon. I saw him again the next night. He again told me about his having had a fight. He opened his vest to show me the blood on his shirt, and also pulled up his coat sleeve to show me blood on his shirt sleeve.

Almond Clyde, sworn, said: I know the accused in this case. I have worked with him. We hauled wood together. In the month of January or February, 1880, I heard the accused say he would have revenge on the Turner family.

Cross-examined: This remark was made either in Empire Canyon or in Park City. I do not remember what called forth this remark. We were working at that time for George Jacobs. We were within speaking distance when accused made that remark. I don't recollect what we were doing. I don't remember any other part of the conversation. I have given his exact words. I remember that. I don't remember anything else.

By a Jurymen: Do you remember eating your dinner that day.

Witness: Yes, sir. I cannot say whether this conversation was when going to the canyon or coming back.

Re-direct: I had some words with the defendant in Park City, in January or February. I did not know the Turners intimately then.

E. M. Allison, sheriff of Summit County: I was in Park City on the 3d of July. I saw the accused in Creek & Dodge's saloon that evening. I had some conversation with him. I saw him and Emerson about three miles from Park City, on the direct road to Wanship, on Tuesday morning the 6th. I was on the coach at the time. This was about seven o'clock in the morning. They were driving a team (black and a roan one). One wagon was a new one, and had a loose cover thrown over it. An older wagon followed behind, drawn by two grey horses. Emerson and Welcome, I think, were on the front wagon. I did not see them any more at this time.

The prosecution said this was all they had to ask this witness at present, but they would call him later on, to give testimony on another subject.

Cross examined: I saw the defendant and Emerson in Laine's saloon early in the evening of the 3d of July. About 10 o'clock the same evening I again saw defendant in Creek & Dodge's saloon. He was then the worse for liquor. I was on the coach when I passed defendant and Emerson with the teams. I was riding outside with the driver.

Re-direct: I did not notice anybody else with the teams.

Chas. Reynolds, Wanship, sworn, said: On the 6th of July two men arrived at Wanship with two teams. The accused was one of the men; the other he had not seen since. Witness testified to the accused having offered him some chopped barley, and said he ultimately bought two sacks of that barley. Accused

helped to get the barley. The other teamster was sitting in the wagon apparently the worse for liquor. The accused was very particular to get the same sacks back. Did not notice any brand on the sacks.

Cross-examined: The accused, in doing business with witness, did not appear to be in a hurry.

By a jurymen: It was possible that the body of a man about five feet six inches might be concealed in the wagon.

Leonard Phillips, Echo City, gave evidence as to the finding of the body about seven miles from the mouth of Echo Canyon on the 10th of July.

Cross-Examined: The body when found was partly decomposed.

David Moore, Castle Rock, sworn, said the defendant and another man camped near to where the body was found on the evening of the 6th July. Witness was riding up Echo Canyon on a grey horse, when he noticed the outfit; the defendant came up and spoke to him. He said he was on his way to Evanston, or perhaps to Idaho. He offered to sell the horses, but witness did not purchase them. He asked him why he did not turn out the horses to feed, defendant said they had plenty of feed in the wagon.

Cross-examined: When he first saw the defendant he was coming from the creek toward the horses. He never met defendant before that time. They talked together about 15 minutes. He noticed that there appeared to be somebody else lying in a bed on the camping ground. It was about dusk when he met defendant.

J. W. Turner (recalled) said the body was delivered to him and afterwards brought to Salt Lake city, where a post-mortem examination was made by Dr. J. M. Benedict.

W. H. Moss, Piedmont, said he knew the defendant. He saw him first on the 9th of July in Piedmont. He saw him in a store there. He asked him about employment for teams, saying he heard he was in want of teamsters. Witness went out and looked at the teams, and offered employment at four and a half dollars per day. The defendant, however did not appear to be very anxious for employment and ultimately offered witness the team for two hundred dollars. He bought it at that figure, and received a bill of sale signed by Emerson and witnessed by a Justice of the Peace. Having completed the bargain they unloaded the wagon. Noticed in unloading that the sacks had the brand of J. W. Turner on them. The wagon had also Mr. Turner's mark on it. Witness had no conversation with Emerson. He paid defendant in twenty dollar gold pieces.

Court adjourned until 2 o'clock.

AFTERNOON SITTING.

The Court reassembled at two o'clock.

Dr. J. M. Benedict was put upon the stand, and said he conducted the post mortem examination when the body was brought to Salt Lake. On Wednesday last he went to Provo and again had the body exhumed for the purpose of making further examination of the wounds. (The doctor proceeded to give a detailed description of the wound on the head, using a skull to make clear his explanations.) He was of opinion that the blow had been delivered by a blunt instrument, such as the head of an axe. The kind of wound would be likely to throw out blood; in fact he thought that the person striking the blow could not get out of the way without getting blood upon his person. He had been shown an axe and had examined it (axe produced). That was the axe he had examined. He found it blood-stained. He received the axe from Sheriff Turner.

Cross examined: He had examined the axe and it was blood-stained. He could not say whether the blood on the axe was human blood or not. He did not know that he could have told whether it was human blood or not, even if he had made an examination for that purpose. Some had claimed that this could be done by the use of a microscope, but witness did not believe in the claim.

Sheriff Turner was again put on the stand and identified the axe produced as the one taken away by his son.

In cross-examination on this point the witness maintained that it was the axe which belonged to his son. There were no private marks upon it, but still he knew it was the identical axe.

Judge Van Zile here put in the axe as evidence, as also the bill of sale given to Mr. Moss.

Mr. Sharp took an exception to the axe being put in on the ground of insufficient evidence.

Judge Van Zile read the bill of sale to the jury, of which the following is a copy:

"Know all men, that I have this the 9th of July, 1880, sold and received payment in full for one span of gray horses, wagon and harness complete. Horse branded "C" on left hip and 10 years old. The title of the same I guarantee.

Piedmont, July 9th.
Sold to W. H. Moss. (Signed)
Fred. H. Welcome and John Emerson. Witness, C. Gill, Justice of the Peace."

George P. Campbell, Green River, testified to the defendant and Emerson's having arrived in Green River with a wagon and team of horses in July. The team was afterwards sold to a Mr. Hall, who is since dead. He had conversation with the defendant on one or two occasions. In one conversation he told witness that he had not slept well for some nights. Said he was afraid of Emerson and had to sleep with a revolver under his head. In one of these conversations he said to me, "I never killed a man"—and then he stopped and said, "Yes, I have. I have killed a young, innocent man in cold blood."

Contrary to all expectation, the attorneys for the prosecution rested their case about half past four o'clock yesterday afternoon. This sudden termination took everybody by surprise, more particularly the attorneys for the defence. The prosecution, it appears, had several other witnesses ready for examination, but having consulted with these witnesses, and having taken into consideration the nature of the evidence they were likely to give, the prosecution, so far as they were concerned, decided to close the case.

As already stated, the attorneys for the defence were greatly surprised at the sudden arrest of the case for the prosecution. Mr. Sharp arose and applied for an adjournment on the ground that the defense would require some little time to draw up instructions.

The Court thereupon adjourned until seven o'clock in the evening, by which hour the defendant's attorneys expected to be ready to proceed with their side of the case. At the above hour the court-room was filled in every part. Judge and jury were in their places, as also were the prosecuting and defending attorneys. As for the spectators—they looked as if they had taken their seats for the night.

As soon as Judge Emerson asked, "Are you ready to proceed with the defense, gentlemen?"

Mr. Sharp—who had been consulting with the defendant in the northeast corner of the room—came forward to the table and said; Your Honor, please, we rest our case, and now ask some time to prepare our instructions.

His Honor: Then you propose to put in no testimony.

Mr. Sharp: No, your Honor; we rest so far as testimony is concerned, but we require a little time to prepare instructions to the jury.

His Honor: Cannot you proceed to lay the case before the jury to-night, and draw up instructions while the case is being argued by the opposite side?

Mr. Sharp: If your Honor please, you see the position we have been placed in.

His Honor: Certainly, certainly, I do not wish to crowd you in any way.

Mr. Sharp: I think that, under the circumstances, we ought to at least be allowed a reasonable time to prepare instructions.

Mr. Van Zile: You can have all the time you want.

Mr. Marshall: We are not trying to delay the case. All we want is a reasonable time to prepare instructions.

His Honor: Well, then, say we adjourn until nine o'clock to-morrow morning.

Mr. Sharp: I prefer at least until ten o'clock.

His Honor: Say half past nine.

Mr. Sharp: I would like to have it set for ten o'clock.

Mr. Van Zile: Well, I move we adjourn until ten o'clock to-morrow morning.

His Honor: All right. Court is adjourned until ten o'clock to-morrow morning.

Those of the public who had secured seats and seemed ready to take root to them for the night, had quietly to disperse and await the commencement of business this morning. During all these proceedings the prisoner did not pass unnoticed. Although evidently try-