SICHER'S DEFENSE.

Why the Accused Used a Borrowed Pistol Upon Guiseppi Murano.

ATTORNEY STEPHENS'S STATEMENT

The Jury Have Gone Out With Counsel This Afternoon to View the Scene of the Tragedy.

The further hearing of the charge against Modesto Sicher of willfully murdering Guiseppi Murano, in Farley's canyon, on Sunday, Sept. 26th, was resumed before Judge Bartch and a jury, in the Third district court room, this morning, the same counsel appearing as on yesterday—District Attorney Jo. J. and Assistant Richards for the prosecution; Attorneys Frank H. Stephens and Homer N. Smith for the defense. The attendance of the general public was again limited.

After the News report closed yesterday afternoon, testimony of Figliolo was taken. This man was the eye witness to the tragedy. He testified that he saw Murano went up to the mine on the morning of the killing. When within a short distance of the mine he saw Sicher coming away from an old prospect near by and going toward the place where the shooting occurred. The witness and Murano then went up to the claim, and Murano told him to go down in the shaft and get some rock to bring to the city for assaying purposes. After he entered the shaft he heard Murano speak to some one about having sent him down the shaft. Figliolo then looked up and saw Sicher, but did not hear him say anything until he called Murano a s—of a b—, grabbed him with his left hand and began shooting. Three shots were fired. When Figliolo got out of the shaft Sicher was running away. He then helped Murano down toward the road and left him there, while he ran down to a camp near the waterworks to get a conveyance to bring Murano to the city. Murano died about an hour and three-quarters after the shooting.

Cross-examined witness said that while he was in the shaft he could see Murano and Sicher standing near the edge of the shaft alone. The first thing Sicher said was, "You s—of a b—." Then he began shooting and fired three shots.

"Which shot struck Murano on the top of the head?" asked Attorney Stevens.

"The second," answered Figliolo, "I saw the bullet fly."

Joseph Pitt testified that he learned of the shooting at 12:30 o'clock on the day of the occurrence, from Figliolo, and went up to where Murano was lying near the roadside. Murano said he was going to die soon and wanted to make a statement to him. Murano then said that Sicher caught hold of him, told him he had no business there, called him a s— of a b— and began shooting.

Charles Murano, a brother of the deceased, testified that he and deceased put up a grub stake for Sicher, and told him to put up a notice of location. Sicher failed to put up the notice and witness and his brother put it up themselves. Three days before the killing Sicher wanted a half interest in the claim, and they refused to give it to him and told him that he could take up another claim if he wanted to. The Witness also testified that he saw Sicher in Rudolsi's saloon three days before the killing and he raised a row about the matter. In cross-examination witness stated that Sicher had a third interest in the old claim, but was not interested in the new one.

Dominico Rudolsi stated that Sicher was in his saloon a few days prior to the killing, and stated to "Yakee Bell" with Charles Murano. Witness compelled him to stop by telling him that he would put him out unless he desisted.

Sheriff McQueen was briefly examined and court adjourned until this morning.

Joseph Pitt was recalled by the prosecution this morning and asked one or two formal questions.

John Schwartz then testified that he was a bartender at Rudolsi's saloon on West Temple street and was acquainted with the Muranos, Charley and the deceased. On the Friday night before the killing Sicher was in the saloon and witness walked with him on the way home. Sicher then threatened that if the two Muranos went up to the claim again he would "shoot them down like jack rabbits."

Cross-examined witness said he never told this to Charles Murano until last night, but he thought he (Schwartz's) boss and other persons, Murano then came up to witness and said he had heard people talk about Sicher's threats. Witness was not present in the saloon during the row on the Friday night, but got there after it was over.

"Why didn't you tell Charley about the threat?" asked Attorney Stephens, "when you saw him every day?"

Judge Judd objected to the question, but the court ruled that the witness might answer.

"Well, I don't know," replied Schwartz; "I don't want to say anything."

"Did any one else walk home with you on Sicher that night?"

"No, sir."

A discussion here ensued between counsel as to the jury being taken out to view and inspect the scene of the tragedy.

Prosecuting Attorney Judd wanted the jurors to go there at this time, before the case of the prosecution closed, but Attorney Stephens insisted that inasmuch as the prosecution had put in their testimony, it was only right that the defense should be allowed to state their case first.

Judge Bartch questioned whether it would be necessary for the jury to go at all, at the same time remarking that that doing so would delay the court considerably.

But Attorney Stephens, while admitting that the pressure of business upon the court was great, argued that where the life of a fellow-being was at stake that question should cut no figure. Let the jury have all the information possible so as to enable them to deal with the case fairly and squarely.

Eventually Attorney Stephens consented, however, to the jury being taken out to Farley's canyon after he himself had made his opening statement for the defense, leaving to the prosecution the right to elaborate on further evidence, should it be deemed necessary.

Mr. Stephens then proceeded to address the jury, stating that after he had been appointed by the court to defend the accused he had an interview of two hours' duration with Sicher, and after hearing his full statement counsel was so convinced that his defense was justifiable and that the killing of Murano was in self-defense, that he felt bound to do his duty. Going on to sketch the defendant's history, Mr. Stephens said he was born in the Tyrol, on the borders of Switzerland; came to America some years ago and had seen in Utah about five years. He had worked in mining since coming here, and also spent a year somewhere on the east coast, between Perley's and Emigration canyon. About two and half years since Sicher began prospecting in the canyon and got to the place near where the log up-cut curves. There he found what he thought to be an indication of ore and therefore began the prospecting, trusting ultimately to lay out 10 dollars in sinking one that would bring him independence. Counsel thought, in the course of this, Sicher had an interest in the claim, but his brother, the deceased, signed the subsequent agreement in writing, for the reason that Charles did not want to have any property in his own name on account of some family difficulty. Murano was to have one-third interest in the claim, which, however, was not the case concerning the posting of a notice upon which Sicher's attorney had been given; it was a short distance away from that one. Counsel then, in detail, told of certain misunderstandings which occurred between the Muranos and Sicher in relation to the claim, of the last week before the tragedy, the Muranos went up to Sicher's cabin. One of them took a cartridge from his belt, showed it to Sicher and asked him, "Do you see that? I've got that for somebody," at the same time making threatening demonstrations. It was after this that Sicher went to a man named Hill and borrowed a pistol, stating that the Muranos had threatened him and he wanted to be armed in the event of being attacked. Subsequent to this the parties met in the city, when Murano declared, "Now, now I will kill you up there." Coming to the morning of the tragedy (Sunday), counsel stated that while Sicher was working on the claim, Guiseppi Murano, the deceased, stepped into the cut and said to him, "What are you doing there?" Some words followed and Murano displayed anger. As Sicher turned to speak to a man who was near him a stone came past his head and struck the wall. Sicher then took from his pocket the pistol which he had borrowed from Hill—who lived not far off—and as he did so observed the deceased reach for his right hip pocket, in which a razor case was afterwards found. Fearing that Murano was about to draw a pistol upon him, Sicher fired. Upon that Murano started for him down and as he was proceeding Sicher made a grab for Hill's coat and shot again. By this time Murano had reached the mouth of the shaft and had laid hold of Sicher between the two walls. A struggle ensued, and as the men grappled with each other, Murano holding Sicher down and trying to get something out of his pocket, the defendant—who was the smaller and weaker of the two—struck him upon the back of the head with his pistol. As the struggle went on Sicher disengaged the weapon from behind, producing the wound which caused death. Murano moved off, but Sicher did not know the extent of his injury. Soon after the Sicher gave up the pistol to Hill, telling him what had transpired. Counsel remarked here that the only falsehood told by Sicher was in regard to that pistol, he having stated when arrested that he threw it away, but his only reason for doing this was that he feared Mr. Hill himself would get into trouble if it were discovered that he had loaned it to him. True Sicher disappeared after the shooting. This was not, however, to elude the police, but to escape from the possible vengeance of a body of Italians, fellow countrymen and friends of the deceased Murano. In conclusion counsel said he omitted the bullet and treat investigation of the case, feeling confident, as he did, that the accused was entitled to an acquittal at the jury's hands.

It was now a quarter before 12 o'clock and the subject of taking the jury out to the scene of the killing was re-introduced. Everybody concerning, it was agreed that the jurors, accompanied by counsel on both sides, a couple of court bailiffs, and Deputy Marshal Cannon—the last named to point out the various points around the claim to the jury—should start on the trip of inspection at 1 o'clock.

For that reason court adjourned till 10 o'clock tomorrow morning, it being stated that the journey would occupy the balance of the day.

Box Elder Stake Conference.

The quarterly conference of the Box Elder Stake was held in Brigham City Saturday, October 21st and 22nd, 1894. There were present of the Twelve Apostles President Lorenzo Snow, F. M. Lyman, Geo. Teasdale and M. W. Merrill; also Elder Loren Farr, of Ogden, and the Stake officers.

On October 21st, at 10 a. m., after the usual opening exercises President B. Clawson addressed the assembly. Said it was necessary for the Saints to attend their various places of worship to keep the spirit of the Gospel alive within them. Most of the wards in this Stake have commodious places of worship and others have them in course of erection. Where improvements of this kind were going on the people took more interest in spiritual matters. Advised the people to pay their tithes and offerings and the Lord would pour out His blessings upon them.

Apostle M. W. Merrill said it was the rule to admonish the people, in conference, on matters they partially understand rather than preaching new doctrines. The people should not look upon donations and offerings as burdens but should look upon them with pleasure, for it is our duty to help build up Zion. We should be humble and forgive one another of our trespasses. The hand of the Lord directed the settlers of this Territory, and the policy pursued by our leaders was a wise one to collect the people together in settlements where they could have the advantage of school and religious services.

2 P. M.

The general authorities of the Church and of Box Elder Stake were presented and received by unanimous vote of the conference.

Apostle George Teasdale made some remarks on the Sacrament. Said we partake of it in commemoration of the body and blood of Jesus Christ, and witness unto Him that we do always remember Him and keep His commandments. There can be but one Priesthood, one faith, one baptism and one true Gospel, and no one is allowed to officiate in the ordinances of that Gospel except those who are called of God.

The doctrines of the Gospel teach us to be liberal with the just besides paying our tithes and offerings. The intelligence attained here remains with us forever. We should live righteousness and hate iniquity.

Apostle F. M. Lyman said the Priesthood is given that we may guard the welfare of the Church and its interests that are entrusted into us. All manifestations that drive the Spirit of the Lord from us are improper. A remnant is spirit of our lives, and if a hair does it fall to the ground unbeknown to the Father, how much more are we watched. There will be a reckoning upon us, as if we have been careful we will receive credit and favor from heaven, but if we indulge in those things that are hurtful we will have to answer.

OCT. 22ND, 10 A. M.

Elder Loren Farr, of Ogden, addressed the conference. Related the parable of Lazarus and the rich man. After death all the righteous of this earth go to the same spirit world, but the righteous dwell together according to their choice of righteousness, and the wicked according to their choice of wickedness. Those who have gone to the spirit world and find an enough opportunity for repentance, and then they simply hear the message they were instructed to deliver. Righteousness is not of itself, nor of the evil one.

Apostle M. W. Merrill had found it profitable on Latter-day saints to meet together at the times appointed to have their minds stirred up in the works of the Lord. All the wealth we accumulate will be of no avail when we go to the spirit world; there our associates will be similar to those we have here. The heavens have been open to the servants of the Lord ever since the days of the Prophet Joseph Smith. It is the privilege of every Latter-day Saint to have revelations, or it is not the design of the Lord that we should be left in doubt.

2 P. M.

Apostle Lorenzo Snow said when the people go back to Jackson county, Missouri, they will have to comply with the private law of the united order. This principle is as true as God is true. We must serve correctly, and our acts and doings must be in accordance with revelations.

Apostle F. M. Lyman said a favorite theme to talk upon was the prophecies of the revelations and offerings. Each family should contribute to the aid of the poor at least what would be consumed in one meal on fast day. If this matter is properly taken hold of the people and this rule observed, enough can be raised for the support of the poor without drawing from the general funds of the Church. By giving to the poor we lend to the Lord. Generosity begets generosity.

Apostle George Teasdale spoke of the respect men and women should have for each other. It is imperative for a man to have for much affection for his wife and children. We should not allow strife and become at fault, thus making unnecessary disagreeable instead of useful.

A good spirit prevailed throughout the entire conference and all felt it was one of the most pleasant and profitable ever held in this Stake.

NEIS JENSEN,
Stake Clerk.

Home Missionaries.

The regular monthly meeting of the home missionaries of the Salt Lake Stake of Zion, will convene in the social Hall, Salt Lake City, on Wednesday, Oct. 31st, at 7:30 p.m. A full attendance is desired. If any of the brethren are unable to attend the meeting, they are requested to send the report of their labors for the month just ended in writing.

JAMES D. SPELDING, Clerk.

Card of Thanks.

Henry Barnes and family, through the News, desire to make the following statement to friends who called about them in the hour of grief: "We express our heartfelt thanks to all those who kindly assisted and took part at the funeral of the late Matthew Barnes."

PROVO.

PROVO, UTAH, Oct. 30, 1894.

First District Court.

After hearing arguments on the admissibility of evidence in regard to the deed from Smith & Markee to Mr. Wood, in the case of Woolf vs Milburn, being introduced by Smith & Markee to be a mortgage, the court concluded to admit the evidence, and so an announcement was made to the counsel.

Mr. Woolf was recalled and was cross-examined in regard to his interest in with the property, and letters between Mr. Woolf and Mr. Milburn about the property were read, wherein Mr. Milburn offered to buy the property.

The first evidence for the defense was a deposition from Alfred T. Smith, taken at Deer Lodge, Mont., penitentiary. The deponent stated that deponent had never signed a deed for the property, but had signed a mortgage.

At the time the mortgage was signed a deed was also presented for acknowledgement, but when Mr. Markey found it was not to be had he refused to sign it, and it had not been signed; but a mortgage had been signed.

Mr. Milburn testified that he laid no claim to the personal property outside of the building. Mr. Woolf was welcome to take that away any time. He had bought the building and paid for it. Deeds were introduced conveying the property from Smith and Markey to Wilson. He had written to Mr. Woolf about the property for the purpose of finding out what title Mr. Woolf claimed to hold it by. He had not offered to buy the property from Mr. Wood, but Mr. Woolf had tried to sell it to him. The building was worth about $200.

The jury received the instructions of the court this morning and had not rendered their verdict at the time this letter was mailed.

OTHER HEARINGS.

In the case of Israel Evans vs the National Fine Stock and Dairy Company, leave to amended complaint was ruled and fifteen days given to answer.

The case of Esther Griffin vs Louis G. Ziff is on trial. Plaintiff sued for $135 alleged to be due on notes purchased by plaintiff from the defendant's payee, Nicks Peter Johnson, aged 23, of Highland and Janet Gale, aged 24, of Lehi.

COMMERCIAL

SALT LAKE CLEARING HOUSE.

Today's clearings—Some exchanges amounted to $175,904. Same day last year, $111,430.

TODAY'S QUOTATIONS.

New York.—Silver, 59 c. lead, $3.00. London.—Silver, 29 5 16d.

ORE AND BULLION.

McCornick & Co. received today: Bullion, $4,800; silver ore and lead ore, 7,150. Total, $9,950.

Wells, Fargo & Co. received today: Bullion, $4,154.

REAL ESTATE.

Treasurer Ball on the sale of the Grant Property at the Court House, Provo, Utah, on the 29th day of October, 1894:

Eugene S. Hagen, in person, to Elias L. Hickey, part lot 4, block 1, Provo City Survey, $ [illegible]

Jesse F. Neff, by attorney, to Jesse Jensen, undivided one-half, part of lot 4, block 2, Provo City Survey, [illegible]

James Partridge, to Alice Fairbanks, lot 10, Liberty Park addition, [illegible]

Albert Rosenfeld to Francesca Park, part of lot 4, block 31, plat F, Provo City Survey, [illegible]

STOCKS AND MONEY.

NEW YORK STOCKS.

New York, Oct. 30, noon.

Sugars	[illegible]	Pacific Mail	[illegible]
Tobacco	[illegible]	Union Pacific	[illegible]
Chicago Gas	[illegible]	Western Union	[illegible]
Atchison	[illegible]	St. Paul Common	[illegible]
Burlington	[illegible]	St. Paul Preferred	[illegible]
Canada Pacific	[illegible]	Northern Pacific Common	[illegible]
Central Pacific	[illegible]	Northern Pacific Preferred	[illegible]
Chicago & Northwestern	[illegible]	Texas Pacific	[illegible]
Delaware & Hudson	[illegible]	Denver & Rio Grande	[illegible]
Erie Common	[illegible]	Erie Preferred	[illegible]
Illinois Central	[illegible]	Lake Shore	[illegible]
New Jersey Central	[illegible]	Reading	[illegible]
New Northwestern	[illegible]		

Money, 2@3. Lead, $3.

CHICAGO MARKET.

Chicago, Ill., Oct. 30.

Wheat—Oct.	[illegible]	Pork—Oct.	[illegible]
Dec.	[illegible]	Jan.	[illegible]
May	[illegible]	Lard—Oct.	[illegible]
Corn—Oct.	[illegible]	Jan.	[illegible]
Dec.	[illegible]	Ribs—Oct.	[illegible]
Jan.	[illegible]	Jan.	[illegible]
Oats—Oct.	[illegible]		
Dec.	[illegible]		
May	[illegible]		

Receipts—Wheat, 19,000; corn, [illegible]; oats, [illegible]; pork, [illegible]; lard, [illegible]; ribs, [illegible].

Cattle—Receipts, [illegible]; steady; [illegible] to [illegible].

Hogs—Receipts, [illegible]; [illegible] to [illegible].

Sheep—Receipts, [illegible]; steady; [illegible] to [illegible].

SALT LAKE EQUITABLE CO-OP.

Going out of the Clothing and Shoe Business. Come and get Bargains. Hurry up!

CORNER FIRST SOUTH and RICHARDS STREET.

DON'T WAIT Until the Holidays for get your pictures at once to avoid the rush.

J. W. SHIPLER,
The Artist Photographer,
THE HOOPER BLOCK, EAST FIRST SOUTH
Get a Dozen of our Celebrated Sepia Finish.

Dr. Price's Cream Baking Powder
World's Fair Highest Medal and Diploma.

Big Stock of Wraps for Fair goods just arrived, at 211 State St.
M. WEBER.
WALTER PAUL.

The Perfume of Violets
The poetry of the day, the glory of the year, and the Rule of Rose combine in Pompeii's Violet Powder.

NOTICE OF SALE OF REAL ESTATE.

NOTICE IS HEREBY GIVEN, THAT IN the matter of the estate of [illegible] deceased, late of the County and Territory of Utah, intestate, the undersigned executrix will sell at public auction to the highest bidder, at the Probate Court in and for said County, on the 10th day of November, A. D. 1894, at the hour of 10 o'clock a. m. of said day, the following described real estate, belonging to said estate, to wit: [illegible] Lot Three (3) in Block Twenty-Eight (28) in Plat "A" of the Salt Lake City Survey, and subject to the rights of way established by the United States and the Territory of Utah, and the rights of way established by the United States and the Territory of Utah, and the rights of way established by the United States and the Territory of Utah, and