

## THIEDE TO BE HANGED.

To be hanged by the neck until he is dead.

That was, in brief, the sentence passed upon Charles Thiede by Judge Bartch, in the Third district courtroom Monday morning, for the wilful murder of his wife in April last.

The prisoner was brought down from the penitentiary by two guards, and ushered into court a few minutes before 10 o'clock. There was a crowded audience in waiting to learn the result.

Thiede now presented a manner and appearance altogether at variance with his former bearing. He had lost his old time nonchalant air; his face wore an anxious look, his eyes were red as though from crying or loss of sleep, and he seemed a thoroughly dejected being, as if fearing that all hope had fled. While Judge Bartch was passing upon the motions for a new trial and in arrest of judgment, argued by counsel for the defense last week, the prisoner sat in a chair against the bar enclosure and strained his ear to catch every word that fell from the lips of the court.

The Judge said: In the case of the people vs Charles Thiede: This was based on a motion in arrest of judgment and for a new trial. I deem it unnecessary this morning, in passing upon these motions, to discuss their merits. Suffice it to say that I have very carefully examined the points that were raised by counsel for the defendant on both of those motions; also on the questions that were raised in regard to the charge of the court, and the point raised in regard to the jury being satisfied beyond a reasonable doubt, or not being satisfied with each link in the chain of circumstances, beyond a reasonable doubt. In considering the cases that seemed to be adverse to that, it will be noticed that they were cases where the evidence was wholly circumstantial. In one of these cases it was agreed by counsel that the evidence was wholly circumstantial. The supreme court of Colorado in that case considered the instruction wrong. In a case similar to the one under consideration, where the same language is used, in the State of Illinois, 117 Ills., the Court refused to take that view of it, and I think for perhaps the best reasons I have noticed.

In the case at bar the prosecution introduced evidence tending to show a confession. I think that that confession would be in the nature of direct evidence. The circumstances on each side will lead up to that particular part of the testimony and show as to whether or not, in the light of these circumstances, the confession is true. I take it that while perhaps that expression might be somewhat modified, if counsel had called the Court's attention to it at that time it undoubtedly would have been modified, referring entirely to the circumstances.

In regard to the evidence, or admission in evidence, on the part of several witnesses as to the woman's screams, and the evidence in reference to the appearance of the deceased and the defendant, on a particular occasion, while there are a very few authorities that condemn it to a certain extent, I think the great weight of authority is the other way.

I think, therefore, under all the circumstances, after giving it fair and impartial consideration, desirous of getting at the truth of the whole matter, and at the exact questions of law involved in it, I am of the opinion that both motions should be overruled.

Judge Cherry, on behalf of the prisoner—We take exception to both.

Prosecuting Attorney Howat, rising—If the court please, I now move for judgment upon the verdict.

A deathlike silence prevailed as Judge Bartch, looking across at the prisoner, said in a strong tone of voice: "Charles Thiede, stand up."

Thiede, trembling like an aspen leaf, at once obeyed the command.

The court asked—Have you anything to say why the sentence of the court shall not be pronounced against you?

The prisoner, appearing half dazed, did not seem quite to understand what was said to him, and Judge Bartch repeated the question.

"All I have got to say, responded Thiede in a hesitating, faltering voice, "is that I am not guilty of the charge I am charged with. God in heaven knows I am not guilty. The man who did it is the only one under heaven that knows I am not guilty." Stretching forth his right arm and pointing heavenward, the prisoner excitedly exclaimed in a loud voice, "I don't know anything about it. Only him who murdered my dear wife knows I am not guilty of the crime I am charged with!"

As Thiede concluded the last sentence he spoke tremulously and tears came into his eyes. It looked for a moment as though he would break right down; but he soon pulled himself together again and listened attentively for what had to follow.

"Have you anything further to say?" asked the court deliberately.

"No," was Thiede's feeble response.

Then Judge Bartch proceeded to pronounce sentence. He said—You were indicted by the grand jury of this judicial district for the crime of murder in the first degree; you have been tried by a jury in the manner provided by law, and found guilty of that crime. The penalty fixed by the statute for the crime of which you have been convicted is death. This must be inflicted either by hanging you by the neck until you are dead, or by shooting you—at your discretion. Which mode of death do you elect shall be inflicted upon you?

Thiede momentarily turned very pale and answered in words broken by inward emotion—If you think you have strength enough in your own heart to put an innocent man to death, I will leave it to you.

Judge Bartch—You will leave it to the court then?

Thiede merely answered yes.

Judge Howat—I think the defendant should elect or refuse to elect.

Judge Bartch—Do you refuse to elect which mode of death shall be pronounced against you?

Thiede—I will leave it to you.

Judge Bartch—Well, do you still refuse to elect which?

Thiede—Yes, sir.

Judge Bartch—It is the judgment of the court that you, Charles Thiede, be taken from hence to some place of confinement until Tuesday, the 18th day

of December, 1894, and between the hours of ten o'clock in the forenoon of that day and two o'clock in the afternoon of said last named day, in the yard of the jail or place where you are confined, or in some other place provided within this judicial district, you be hanged by the neck until you are dead, and may God have mercy on your soul!

The prisoner then sat down and big tears coursed down his cheeks.

Judge Cherry broke the silence by saying—If the court please, we desire to ask for sufficient time to prepare a bill of exceptions. We desire to take this case to the Supreme Court of the Territory.

The court granted thirty days, with which counsel expressed himself satisfied.

The condemned man was at once removed to the "cage" in the marshal's quarters and there remained about an hour. To the court reporter of the NEWS he repeated his former protestations of innocence and declared that the real murderer of his wife was at this moment stalking around. He knew he could soon find him, he said, if he could regain liberty for a short time, and stated he was sure that the truth would yet prevail.

Little Annie—who is now staying with the mother of Attorney C. O. Whittemore—was not in the courtroom this morning, but she had an interview with her father just after the passing of sentence. When informed of the result the unfortunate child sobbed as though her heart would break, and Thiede himself shed copious tears. The parting was a sad one, as Thiede bid his little girl good-bye before his removal to the penitentiary.

Judge Cherry this afternoon applied to the court that a transcript of the official reporter's notes taken at the trial of Charles Thiede, for use in the appeal to the Supreme court, be made at the expense of the Territory, and Judge Bartch so decided.

It was further ordered that the appeal operate as a stay of proceedings on the judgment until such appeal is disposed of.

The Cheyenne Leader says: From the office of the collector of internal revenue it is learned that the sale of the new revenue stamps for playing cards, authorized by the Wilson bill, footed up 130,761 for the district of Colorado and Wyoming on October 1st. Since that time a great many more have been sold and it is not improbable that by January 1, 1895, the total sales will amount to 200,000. As each stamp calls for 2 cents, the government has already realized \$2,615 from this source.

Deputy Sheriff Hickman, says the Nephi Courier, made a very clever capture of a horse thief the other night in the arrest of one Martin, who claims to hail from Iowa. In the early part of last June Martin was working on a ranch in Tooele county and stole a horse, saddle and revolver from Owen Bennion, of Vernon. He came to this county and went to work for Painter Bros. herding sheep. He came to town Tuesday to get his money for his summer's work, but was spotted by the ever-watchful Hickman. He had all the property in his possession when arrested.