

THE DESERET NEWS.

Richards F D
15-8-8

RUTH AND LIBERTY.

No. 38.

Salt Lake City, Wednesday, October 23, 1878.

Vol. XXVII.

ESTABLISHED 1850.

THE DESERET NEWS, WEEKLY.

One copy, one year, with postage, \$3 00
" six months, " " 1 85
" three " " " 1 00

THE DESERET NEWS: SEMI-WEEKLY.

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" three " " " 2 65

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GEORGE Q. CANNON,
BRIGHAM YOUNG,
Editors and Publishers.

PRICE OF GOLD.

Corrected daily by DESERET NATIONAL
BANK.

SALT LAKE CITY, October 22, 1878.
Buying at \$1.00. Selling at \$1.00 1/2.

Local and Other Matters.

FROM TUESDAY'S DAILY, OCT. 15.

Third District Court.—Proceedings in the District Court, yesterday afternoon, Chief Justice Schaeffer presiding.

C. D. Schmidt vs. Henry Keyser; stay of execution ordered till a motion to vacate the judgment of September 8, filed herein, is heard.

Thomas Stevens vs. Thomas Laughney; the motion in arrest of judgment was argued and overruled; defendants except; ten days allowed in which to file notice, motion and statement on motion for a new trial.

Court adjourned till 9.30 o'clock this morning.

This morning the case of **Herman Keyser vs. Kuhn & Bro.;** passed to be taken up by argument during this term.

Logan City vs. Hendrick Larson; motion to dismiss appeal overruled; motion by defendant for a non-suit granted at plaintiff's cost.

Jones & Hager vs. Johann Schneider; trial by jury waived; on motion of plaintiff, judgment as prayed entered against defendant.

Drawing the Lines.—The following interesting extract is from a letter written by Elder B. F. Cummings, Jr., from Boston, October 6th, 1878:

"I have spent some weeks during the present summer in each of the large cities, Philadelphia, New York and Boston, and observed a marked difference in the appearance, architecture and society of the three cities.

"In Philadelphia one witnesses, everywhere, the qualities of neatness, cleanliness, order, and excellent system in naming and numbering the streets. Officials of all kinds, policemen and street car conductors are generally polite and obliging, the latter more so than in any large city I was ever in. In entering a shop, you are politely shown the goods, but are not importuned to buy; and as a rule the people seemed to me to be urbane, unexcitable, and steady going. I do not remember seeing any serious disorder in the streets during my stay.

"But New York is so different. There all is bustle, stir, noise and confusion in the principal streets. The people all seem to be in a hurry; each individual seems to have an eye to business exclusively. The streets are dirty, and present many unseemly sights. Various officials that a traveler comes in contact with are brusque and indifferent. But a distinguishing feature of New York is her affluence of thieves and sharpers. If an inexperienced western man can manage to arrive at New York, have himself and baggage transferred to some respectable hotel, and then remain 24 hours in the city without getting cheated or 'taken in' by some one, he may congratulate himself on either his luck or his shrewdness.

"Boston presents another series of characteristics. Crooked streets, mixed architecture, and general irregularity of construction, are in marked contrast to Philadelphia. The people are so different, too. There is such a universal learned, classic air, I have actually known

of men in Boston, who could scarcely afford a square meal or a clean shirt, who would write metaphysical pamphlets and philosophical tracts. About half the inhabitants of Boston are Irish, but the American portion are the best dressed people I have ever seen. The ladies wear much more costly costumes than do those of Philadelphia or even New York.

"Boston is a very clean city, is well governed in comparison with other American cities, and good order is maintained in the streets. Thieves and pickpockets neither prosper nor abound, and strangers are reasonably secured from imposition.

"Philadelphia is noted for her charities, New York for her commerce, and Boston for her educational institutions. These three facts afford a key to the prevailing characteristics of their respective inhabitants."

The Collett Trial.—On Saturday afternoon Mrs. Foote was sworn for the defense. Said she was the wife of Timothy B. Foote, and the step-mother of Guy Foote. Had charge of her husband's hotel in Nephi in 1857. The Aiken party remained there one night. She was not asked by any person to stitch a belt belonging to one of the party, nor did she see a belt of the kind; and did not see any gold coin taken from one.

Abram G. Conover was sworn and testified that he was well acquainted with the language and manners of the Ute Indians. The defense asked the witness some questions relative to the manner of burial among the Utes; but the questions being objected to by the prosecution, and the Court sustaining the objection, the witness was excused.

The defendant, Sylvanus Collett, then testified that he came to Utah in 1849. In 1857 he was at Lemhi, Salmon River, and was engaged in farming, building, etc. He left Lemhi about the last of October or beginning of November; but should have said November if he had not heard the testimony previously given. After reaching Salt Lake, near the first of December, he remained one night, and then started for Lehi, where he had a wife and child. The journey to Lehi, as he traveled with oxen, required two days. He stayed there but one day and started for Salt Lake the next, intending to join a command at Echo; but on reaching this city was retained by Bryant Stringham to carry express. He was engaged in this occupation, going to Tooele and other places, for eight or ten days; and did not return to Lehi till the middle of December. He had heard William Skeen's testimony. Did not have such a conversation as was mentioned by Skeen. Did not make any confession to him relative to the murder of the Aiken party. Did not give nor sell him such a hat as the one described, nor a hat of any description. Never had a conversation with Joseph Skeen, wherein the witness boasted of being a brave boy, or participating in the so-called Aiken murder. Never pretended having received a mare as his share of the spoils. Never made any professions of the kind regarding such a mare. Did own a three year old bay mare, very poor, some time within the years 1857 and 1859. Traded for it with a man, who came through Echo Cañon, on his way home. Said mare was not at Provo in the fall of 1857, nor in December of that year. The witness was not at Nephi in the fall of 1857. He did not take any part in the so-called Aiken murder. The defense here rested their case.

The prosecution re-called Wm. Geddes, to examine him, with the idea of laying the ground-work for impeachment. After his evidence had been received, testimony was taken from Nathaniel Leavitt, Jas. Horrocks, John Moyes, Joseph Skeen, William Sharp and Thomas Davis, in rebuttal of Mr. Geddes' statement, and in support of William Skeen's reputation. Testimony closed.

Yesterday, Mr. Sutherland delivered the opening argument for the

prosecution. When he closed at four o'clock in the afternoon, court adjourned.

Latest from Provo.—We received the following at 3.30 o'clock this afternoon:

Judge Dusenberry commenced arguments on the defense in the Collett case at 8.30 a.m., to-day, occupying about one hour and a half. Judge Tilford followed, and is still addressing the jury.

FROM WEDNESDAY'S DAILY, OCT. 9.

Mutual Improvement.—We learn by letter from Fillmore, that Elders Junius F. Wells and M. H. Hardy held a meeting in that city, on the 13th inst., and effected a Stake organization of the Y. M. M. I. Association of Millard County. James A. Melville was unanimously sustained as President, and F. A. Webb as Secretary. The occasion was an enjoyable one to all who attended.

City Council.—Meeting of the City Council, Tuesday evening, Oct. 15th, 1878, Mayor Little, presiding.

A communication was received from B. Morris Young, representing that in the division of the estate of his father the Old Fort block fell to him, which he offered to sell to the city for \$8,000, the payments to be according to agreement between the parties. Received and referred to the committee on public grounds.

Application was received from Macduff Brothers, representing that about two and a half years ago a powder magazine had been placed near their quarry, and that the business of the quarry had been greatly diminished for fear of an explosion, and stating that they could open a new quarry near Pascoe's lime kiln, and asked that this land, in addition to a small piece of land near the foot of the mountain be deeded to them for use as a quarry and lime kiln. Referred to the committee on public grounds.

A petition was received from Jas. Robbins, asking the privilege of moving the scales from First East Street to Second South Street, opposite the Great Western Hotel, to be used for a like purpose at the place designated. Referred to the committee on streets and alleys.

A petition was received from C. J. Thompson, asking that he be refunded the amount paid by him for a lot now in the military reservation. Petition granted.

Manager Riter, of the Utah Western Railway, made an explanation relative to the resolution of the Council, ordering the Utah Western Railway to move an engine house on Fourth West street within sixty days. He stated that he had written to the trustees, who managed the road for the bondholders, informing them of the action of the Council ordering them to remove the engine house, and suggested to them the purchasing of a lot for a depot. Mr. Riter stated that the trustees replied that under the arrangements upon which they held the road they had not the authority to purchase real estate, and asked him to request from the Council an extension of time until next spring, when they thought an arrangement could be made to effect the desired removal. Mr. Riter therefore asked the Council to give the desired extension, and the time was thereupon extended until the 1st of May next.

The chief engineer of the fire department reported that the amount received by him for street sprinkling during the summer months was \$1,784.28, of which amount there remains a cash balance, after all expenses for wages to men and purchasing articles for the fire department had been paid, the sum of \$4.75. The report was referred to the committee on fire department.

A petition was received from Jeremiah Gibson, stating that he wished to open a quarry near Ensign Peak, and asked the council to grant him the privilege. Referred to the committee on public grounds.

Mr. Ransohoff made a verbal petition asking the city council to abate the Chinese dens of infamy

in this city, into which children are enticed and given opium to smoke. The petition was received and referred to the committee on municipal laws, with instructions to investigate the matter and immediately frame an ordinance for the abatement of the nuisance.

The council then adjourned until next Tuesday evening, at 6.30 o'clock.

The Collett Trial.—On Monday morning the court convened at 10.30. Judge Sutherland opened the case for the prosecution, referring at length to the merits of the testimony adduced by the prosecution. A party of six men, known as the Aikens, came into the Territory from the west. They first came into Box Elder County, where they were arrested, and escorted by soldiers to Lehi. The counsel proposed to argue the testimony on the hypothesis that the crime afterward committed was prompted by a desire for plunder; that the prisoner Collett, Rockwell, Murdock and others, were the escort which accompanied the party from Lehi, and did so for the purpose of plunder. The defense would not doubt try to prove that at the time of the murder the prisoner was on his way from Salmon River, fixing his departure from there October 28, 1857; but the witnesses for the prosecution had not attempted to fix the date of the arrival of the Aikens in Nephi, earlier than Dec. 1, of that year.

He considered it established that Collett accompanied the Aikens from Lehi to Nephi.

The Rockwell party and the Aiken party, as shown in the testimony of Foote and others, left Nephi together. The next day after their departure from Nephi, two of the Aiken party returned, barefoot, naked and bleeding, and were capable of telling what had happened to them. The escort returned bringing back the Aiken party's property, which remained in their possession. Mrs. Casier's testimony shows that the escort came back in the night, and kept themselves concealed.

There is no doubt, therefore, that the Aikens were murderously assaulted by the Rockwell party somewhere south of Nephi; that they returned with the booty and loaded with guilt.

The murder of the two wounded men was planned in Nephi; Bishop Bigler, Mr. and Mrs. Woolf, Mr. Foote, Picton and others all knew what was to be done. John Aiken and Tuck were not taken to Salt Lake as proposed, but simply to the Willow Springs herd house, where the killing took place, because Woolf and Picton who drove the team came right back.

When counsel heard Timothy Foot testify, he was inclined to believe he had a sympathy for the wounded men, but he had now concluded that old man Foote had just as much to do with the murder as Bigler, Rockwell, Murdock, Lott, Woolf and Collett.

Court adjourned until Tuesday morning at 8.30 o'clock.

Tuesday morning Judge Dusenberry for the defense replied to the arguments of Judge Sutherland. The prosecution had claimed that this trial would be one of the wonders of the world. Yes, it will be such. But the wonder will be that for 21 years the defendant has been in the reach of the officers of the law, and never until now has he been called upon to answer the charge. It is a case without parallel. Judge Sutherland had asked the conviction of the prisoner that great scandal might not rest on the prosecution. Such talk would have done 200 years ago, but it will not do for to-day.

Many cases were cited illustrating the great chances a jury takes in convicting prisoners on circumstantial evidence alone.

No proof had been adduced on the part of the prosecution to show that Collett was ever in Juab County. Timothy Foote had done so, but Judge Sutherland had laid that old man on the shelf. As for Guy Foote, counsel would leave him to Judge Tilford.

Judge Tilford, after an eloquent address, said, The prosecution must establish the following propositions:

1st, The death.
2d, The result of the criminal acts of others.
3d, That the death was caused by gunshot wounds.
4th, That it was felonious, and done maliciously.
5th, The participation of Collett.

Counsel admitted that such a party as the Aikens came to Utah. The Territory was then in a troubled condition, and was under martial law; a hostile army was on our eastern border, and strangers were looked upon with suspicion by the afflicted people, and were frequently arrested by the local authorities. After the arrest of the Aiken party in Box Elder, they were seen in Ogden, and next in Lehi, accompanied by an escort selected by themselves. Five of them arrived there, but only four left, the fifth, a man named Chapman, remaining and becoming a citizen of that town, which showed that the party were traveling through the country freely and voluntarily, and that this Rockwell party were an employed escort or guide to see them through.

The testimony of Mrs. Robinson was read in detail by counsel. He asked the jury if they believed the statement of this woman as consistent with human nature. Do men go into the presence of a sick woman and a small girl to plan murder? But these fool conspirators, after telling all their plans in the presence of this girl, send her away, so that she shall not hear it. Consistency! Judge Tilford called upon the jury to decide whether any dead bodies at all had ever been taken out of those springs. It is established, if at all, on the testimony of Timothy Foote, who was by the prosecution first called Major, then, as the story proceeded, as old Foote, as crazy old Foote, and finally as the old murderer Foote. Why could he not tell how those bodies were wounded? Why could he not tell on oath who the men were that helped him take the bodies out of the spring? Counsel denied that the prosecution had connected the Rockwell party with the murder at Willow Springs. The witness Singleton remembers seeing Collett at Lehi with the Aiken party, but did not remember seeing Rockwell. At Battle Creek, Ben Johnson, the old schoolmate and boyhood companion of Collett, remembers the Aiken party, and saw Rockwell with them, but never saw Collett. The witness Ivie saw five men at Provo with the Aiken party, the fifth one being a man named Rhodes, but Rhodes denied being the man, so that Ivie lied, and as he lied about that, the jury were asked to take all he said in the matter as untrue. The testimony of the witnesses who saw the Aikens and Rockwell party arrive in Nephi, and claim to have identified them, was taken up. Of all of them Guy Foote was the only one who remembers seeing Collett in Nephi on the occasion of the arrival of the Aikens in that town, but the defense had shown by many witnesses, and could have shown by 500 people of Nephi, that the most accomplished liar north of the Sevier River is named Guy Foote.

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