

Holbrook, of Bountiful, who said he was now under arrest for being concerned in the burning of the premises in question. He testified concerning conversations which he had had with Green on and after the 23rd of July, relative to the firing of the house. On the night of the 24th they met and witness accused Green—who was "full"—of burning Tuttle's premises, which he denied. Witness then told Green he would have him arrested, to which Green replied, "Don't do that until you see me again," and witness promised that he would not. They met again on the 28th, when Green admitted having fired Tuttle's property.

On the evening of the same day Green remarked to witness: "You are insured, are you not?" Witness replied that he was and Green then asked for how much? Witness answered that he did not know exactly whether it was for \$3000 or \$3500. Green said "that is very good insurance." Witness remarked that there were things in the house that he would not have burned for four times the amount. Green rejoined that that could be managed all right, and added, "Well, I'll tell you. I'll set your place afire for \$20 and you can save part of your things." Witness answered, "I'll think about it and see you again." On a subsequent day he paid Green \$7 on account, and later other sums. They afterwards went into the barn and arranged where witness should place the things, which he wanted to save, covering them with hay. The burning took place early in the morning of the 31st of August. Witness, by arrangement, let Green into the house through a window.

On cross-examination the witness denied positively that it was he himself who fired Tuttle's place and also his own. His conscience hurt him terribly all the time the enquiries were going on about the fires in Bountiful. Witness did not know how it was that he was arrested, as he made no confession until after he was lodged in jail. When he had put what household goods he desired to save in a sack he "reported" to Green. Witness lay down and slept in the barn over the night of the burning, although knowing what was going to happen. His brother, aged 23, slept with him, but knew nothing of the stowing away of the goods there. The fire insurance policy was taken out on the 21st. He had no spite against the prisoner Green, though he had threatened to "do him up" if he sought to throw all the blame of the affair upon him.

Replying to Mr. Young, Holbrook said that \$2 of the money which he first gave Green, was in part payment of a piece of carpet which he had purchased from Green's mother. Green had admitted to him that he set fire to the Wayte place, in order "to remove suspicion over the Tuttle fire." He likewise said that it was he who fired David Stoker's place, but that he knew nothing of the tithing-house blaze. He gave as his reason for setting fire to the Tuttle place that the land on

which the premises stood belonged to him, and he expressed his intention of fencing it, just as soon as he could get some barbed wire; he wanted the land cleared. Green told witness that before he got through he wanted to fire "Jim Bucklen's place."

Heber Holbrook, brother of the last witness, stated that he slept in the barn with his brother because of the number of fires which had taken place in Bountiful. On the night the house was fired he was awakened by a crackling noise, and a few moments later he saw the blaze. He knew nothing of the removal of any household goods or of their storage in the barn. At the time of the burning of the house his mother was away from home.

In answer to Mr. Young witness said on the 21st of June he met Green and remarked to him, "Brother Tuttle is erecting a nice hay shed, but may be he'll never complete it" (referring to his slow methods in such matters). Green to this answered "And may be it will never do him any good if he does finish it."

At this stage the court took a recess until two o'clock.

Upon the court re-assembling, the witness Holbrook, who is also a prisoner, was re-called by the prosecution. Mr. Young was about to interrogate the witness as to a fire which occurred on Mr. Tuttle's premises four or five years ago, when the defense objected.

Mr. Young said his intention was to show that that was part of the present system of fires in Bountiful.

The Commissioner ruled that the question was admissible.

Holbrook then stated that on the night of the 25th of July, while they were standing talking together in Bountiful, Green admitted to him that he set Tuttle's place on fire "once and again," meaning several years ago.

This was the case for the prosecution, and Mr. Lochrie claimed that, in the absence of any corroborative evidence, the accused should be discharged. He intimated that he had several witnesses whom he could call if it were deemed necessary.

The Commissioner said that they might be examined.

George Aslett, of Bountiful, said he had known Green for twenty years. He remembered the night of the fire at Mr. Holbrook's; did not see Green at all on that day but he was present during the time the fire was burning at Tuttle's premises.

Francis Tuttle testified to having seen the accused near the Holbrook residence while the fire was in progress. He could not say whether or not Green was in his mother's house when the fire broke out.

Jane Ann Green, mother of the prisoner, said that her son resided with her. On the night of the 31st of August the prisoner came home very early, went to bed, and did not, she was positive, leave the house again until after the alarm of the fire at Holbrook's had been given. He could not have gone out without her knowledge. The witness

testified to the sale of the carpet to Holbrook for \$12.50, as mentioned in that prisoner's evidence.

To Mr. Young—My son might possibly have gone out while I was sleeping, without my hearing him, but I don't believe it. He isn't such a hypocrite as that.

Joseph H. Green, the accused, said he was not in Bountiful on July 23rd, but in Salt Lake. It was not therefore true that he had any conversation with the prisoner Holbrook on that night, as he had stated. He and others had "a good time," going from saloon to saloon. He hired a bed at the house of a person named Sprague, near the theatre, but did not occupy it. He went back to Bountiful on the afternoon of the following day. He had no talk with Holbrook on his return, as sworn to by him. It was not true that Holbrook accused him of setting fire to the Tuttle premises, nor did he make any admission to him concerning it. On the night of the 24th he (Green) was "pretty full." The only remark he made to Holbrook about the fires was that "it beat h—, the way they were going on," and Holbrook replied that it did. All the money Holbrook paid him was towards the carpet. He received no money whatever from him for firing the house. When he asked Holbrook the question about the insurance on the premises the fire was burning.

Witness here corrected his statement by saying that it was on the night of the 3rd, not the 23rd, that he was in Salt Lake. He was in Bountiful on that night. The doubt he expressed to Holbrook's brother as to Tuttle finishing his new shed was meant in a general way, as Tuttle seldom finished what he undertook. He (Green) went to bed at quite an early hour on the night of the Holbrook fire, and did not get up again until the alarm had been given. Witness had openly said that the man who was guilty of causing the fires ought to be lynched. He had made some claim to a small portion of the land on which Tuttle's place stood, but there wasn't much in it.

In answer to Mr. Young the prisoner said he was rather intoxicated on the night of the 24th of July, and if he did speak to Holbrook he had no recollection of it. He was not aware that he talked any louder than anybody else in Bountiful about the fires, but he had said that "hanging was too good" for the incendiary.

Sheriff D. O. Willey testified to seeing Green so drunk in the road on the night of the Tuttle fire that he could hardly stand.

To Mr. Young, witness said he watched the prisoner pretty closely, but saw nothing in his actions to lead him to suspect that he had taken any part in these fires.

Mr. Young said he had no desire to ask the court to hold the accused, but felt rather to leave the case to the commissioner's discretion, for the reason that really the only testimony against Green was that of a self-confessed felon.

The accused was discharged.