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TRUTH AND LIBERTY.

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FROM TUESDAY'S DAILY, OCT. 2.

Pleaded Guilty.

Yesterday afternoon Dr. O. C. Ormsby, of Logan, was arraigned in the Third District Court on a charge of unlawful cohabitation, and entered a plea of guilty. He will be sentenced October 19.

All Released.

A telegram received last evening states that all of the twenty immigrants who were detained at the port of New York by the officers of the government have been released, and will doubtless pursue their journey to Utah.

Pardoned.

Yesterday President Cleveland granted a pardon to John Squires, of this city. Mr. Squires was sentenced four months ago to imprisonment in the penitentiary for six months, his offense being unlawful cohabitation. The President has also restored to citizenship George C. Parkinson, of Franklin, Idaho. Mr. Parkinson was convicted of shielding a man who was avoiding arrest on a charge of unlawful cohabitation, and served a term in the Idaho penitentiary.

Probate Court.

Proceedings in the Salt Lake County Probate Court yesterday:
Estate of J. F. Miller, deceased; order made appointing time and place for settlement of Administratrix's account.
Estate of J. F. Rolfeon, deceased; decree of settlement of final account of distribution made.
Estate of John Hazeldine, deceased; decree of distribution made.
Estate of Robert Maginnis, deceased; decree of final discharge of administrator made.
Estate of W. C. Scott, deceased; decree of settlement of accounts and of final distribution made.
Estate of J. L. Tileman, deceased; order made admitting will to probate and appointing Margaretta E. Tileman executrix upon filing bonds in the sum of \$17,600; orders made appointing appraisers and of notice to creditors.
Estate of Elmira P. Tufts, deceased; order made appointing time and place for hearing return of sale of real estate.

A Destitute Family.

Sometime yesterday afternoon Father Cushman informed Judge Gibbons that he had found a Scotch family, named McDonald, living on lower Fifth Street, in the most abject poverty. Judge Gibbons at once went down to the place. He found that the eldest boy, the mainstay of the family, had eaten nothing since the evening of the day before. Three or four small children were huddled together on the bare floor, while the father was lying, dying of consumption. The sympathetic heart of the judge felt for the poor people, and he followed the example of Father Cushman, who had given them a few of the things they needed, and soon saw that they were supplied with the necessities of life. Today he heads a list of \$15 for their relief, and any one who desires to add his mite in charity, can follow Judge Gibbons's example, and add his name and money to the list. The Ogden people are known

for their charity. Let their fame for this excellent trait be maintained by prompt relief.—Ogden Standard, Oct. 2.

FIRST DISTRICT COURT.

Sentences and Pleas of Defendants at Provo.

Proceedings before Judge Judd yesterday:

United States vs. J. C. Olsen; unlawful cohabitation; defendant pleaded guilty and promised to obey the law in the future. Sentence was suspended during good behavior.

United States vs. John F. Allred; unlawful cohabitation; given till Oct. 15th to plead.

United States vs. Eric Erickson; unlawful cohabitation; plea of guilty; plea of not guilty and of former conviction to a charge of adultery. Sentence set for Nov. 7.

United States vs. George Seem; unlawful cohabitation; plea of not guilty.

United States vs. Teancum Taylor; unlawful cohabitation; plea of guilty; the defendant promised to obey the law in the future, and sentence was suspended.

United States vs. Sophia Peterson; fornication; plea of not guilty.

United States vs. Peter Nielson; adultery; plea of guilty. The defendant promised to obey the law, and sentence was suspended.

United States vs. Soren C. Christensen; unlawful cohabitation and adultery; plea of guilty. Defendant would do whatever the court required, and the matter was taken under advisement.

People vs. James Watson; burglary; plea of guilty. Sentenced to one year in the penitentiary.

The grand jury reported having found one indictment under the laws of the Territory and eight under United States statutes. They had ignored the cases against Jos. D. Shelly, David West and Charles Sperry.

Christopher Frank, Peter C. Madsen, John T. Bollen, Haas Johnson and Haas Christopherson were admitted to citizenship.

J. D. KELLER'S TRIAL.

The Only Eye Witnesses Say the Shooting Was in Self-Defense.

The trial of John D. Keller, for killing Wade Badgely, at Stockton, Tooele County, seventeen years ago, was commenced in the Third District Court yesterday afternoon. The shooting took place on the morning of May 1, 1871. Keller was arrested and indicted, but the indictment was quashed, and a few months later Keller went to Stinking Water Valley, Montana, where he has since lived with his family, going under the name of O'Brien.

During the trial Mrs. Keller and four children were in attendance. After the jury had been impaneled Mr. Clarke made the opening statement of what

THE PROSECUTION

expected to prove. The story in substance was to the effect that in 1871 Morris Livingstone kept a saloon in Stockton. In May of that year Wade Badgely, a young man about 24 years of age, went into the saloon, where he met Keller; a quarrel ensued and a scuffle followed; Livingstone endeavored to stop the affray, when Keller ordered him away, informing him it was none of his d-d business, or words to that effect. At this point Keller's wife, with a baby in her arms, ran into the saloon and begged her husband to have no trouble; Badgely backed away and soon after Keller shot; Keller came out with a gun in his hand and made a remark that he had done the s— of a b—h up; Badgely uttered no word after he fell—save something about his mother—and this was unintelligible; Keller's only explanation was to the effect that Badgely had been endeavoring to get his wife away from him; Keller was arrested and brought to this city, where he was indicted, but the indictment was declared invalid and he was released. Before another grand jury was impaneled Keller left, and later a report reached here that he had been killed in Nevada. Last spring, however, he was caught in Montana, where he had been living under the name of O'Brien.

Morris Livingstone was the first witness for the prosecution. He testified—In May, 1871, I was keeping a saloon at Stockton, where I knew Keller, and was also acquainted with Wade Badgely, who was sometimes known as Wilson Wade; the latter died at Stockton in May, 1871; I was present at his death, but do not remember the date the shooting took place. Badgely and another man came into the saloon, and they were at the bar, when Keller came in and started a conversation about something that occurred, the night before; hot words followed, and then a scuffle ensued; I stepped around and

endeavored to separate them, but Keller told me it was none of my d-d business; Keller had his pistol in his hand, and soon his wife came in and begged him to desist; Badgely tried to get out of the front door, but could not do so, owing to Mrs. Keller being in the way; I saw that Keller meant business and went out of the saloon; soon I heard a shot, and I went inside of the saloon, where I found Badgely lying on the floor, shot; several men carried him across the street, where he soon afterwards died; he murmured something about his mother, but it was unintelligible; never heard Badgely make any threat towards Keller; he was unarmed; there was a pistol behind the bar, about fifteen feet from Badgely, the time he was shot; there was but one shot fired; I had taken about eight steps from the saloon when I heard the report.

To Mr. Critchlow—I am pretty sure it was in 1871, but it may have been in 1870; have not talked very much about the case, and cannot tell the day of the week, but I believe it was early in the morning, before 7 o'clock, because Badgely came in to get his morning drink; he was a middle-aged man, but I cannot give his nationality; he told me he was working in a mine, and must rustle and get his breakfast; I had known him for several months; he was around my saloon quite often; I was in the habit of keeping a six-shooter behind the bar, but I never drew it upon anyone; Badgely was six feet in height and weighed about 160 pounds—a strong, healthy man; I remember something being said in the conversation about some shots that had been fired the night previous; heard the shots myself; the sound came from the direction of Keller's residence; Mrs. Keller was present when the fatal shooting occurred; she was in the saloon and I was on the outside.

At this point an adjournment was taken till 10 a. m. today.

This morning Mrs. Keller and her four younger children were again present in the court room. Mr. Keller occupied a seat beside his counsel, while his wife sat on a bench farther back. Her baby was in her arms, and next to her sat a boy about four years old; then came a ten-year old girl, and an eight year old boy. Yesterday afternoon the youngest boy wept most of the time, but today he seemed more reconciled to his surroundings. Mrs. Keller watched the proceedings with even deeper interest than did her husband. The defendant is about 55 years of age, rather under medium height, with an angular face. He was excited and restless, frequently shifting his position, or glancing back to where his wife and children sat.

At the commencement of the case today Morris Livingstone was recalled and in reply to Mr. Clarke's questions said—My saloon faced north; (he then described the interior of the saloon); the counter was 12 or 15 feet long; I kept my revolver on a shelf back of the counter; Badgely was close to the counter when I left the room; Keller was nearer the center of the room; I was about eight feet outside of my door, going toward the blacksmith shop when I heard the shot; I came back and Badgely was leaning against a barrel; my revolver had not been disturbed so far as I could tell; there was no revolver on the floor.

To Mr. Critchlow—Mr. Keller was advancing toward Mr. Badgely just before I went out; I don't recollect having testified at a preliminary examination seventeen years ago.

John Franks testified—I live in Stockton; was acquainted with J. D. Keller and Wade Badgely in May, 1871; Badgely was about 24 years old when he was killed; I did not hear the shot; was across the street, and was told that a man had been shot at a saloon; went over and saw Badgely lying against a barrel; picked him up and he tried to say something about his mother, but it was unintelligible; the bullet went in through his chin, and came out at the back of his neck; it had cut the jugular vein; I carried Badgely about 100 feet to the hotel, and laid him down when he died; he was dressed in his working clothes; Keller was not in the saloon when I got there; he had started off home; there was blood on the floor where Badgely had fallen; I don't know the exact date; it was early in May, 1871; Keller was arrested; I saw him in Salt Lake shortly after; did not see him again until last Friday morning.

To Mr. Critchlow—Badgely was employed on the Mascatine mine at the date of the shooting.

To the Court—I had not heard of a previous quarrel between Badgely and Keller.

Mr. Livingstone recalled—I found a bullet on the floor near the barrels, after the shooting; it was close to the barrel against which Badgely was leaning when I returned to the saloon; after he was shot.

Wm. H. Vanderhof testified—In 1871 I was in Stockton; knew J. D. Keller and Wade Badgely at the time; was at Stockton when Badgely was killed; I heard the shooting about 7 a. m.; saw Wade come out of the

saloon; supported by Mr. Franks, a short time after; the wounded man died in a very few minutes; Keller came out of the saloon, with his wife, after Franks and Badgely came out; Keller looked toward the crowd that had gathered around Badgely, and said, "I shot the s— of a b—"; he then turned and went down the street; Badgely was buried at Stockton; saw no pistol in Keller's hand.

To Mr. Critchlow—Mrs. Keller was getting her husband off home when he made the remark I have testified to.

George J. Barry testified—In May, 1871, I was mining at Stockton; knew J. D. Keller and Wade Badgely then; was not in town when the latter was killed, but came about an hour after; I saw Keller under arrest; asked him why he killed Badgely and he said he had to; he spoke of his wife, and said Badgely had tried to get away with her; I do not recollect the whole conversation.

To Mr. Critchlow—He said he had to kill him, but I did not understand that it was self defense, but that the shooting was justified; that is my impression; they had had a former quarrel; I know Keller said he had to kill Badgely; the latter was a larger man than Keller.

To the Court—They had trouble before about Keller's wife; my impression was that Keller was justified.

The prosecution rested with this witness.

Mr. Critchlow stated to the jury that the account of

THE DEFENSE

was to the effect that Keller had killed Badgely in self-defense; Badgely was a dissolute young man and had taken a violent dislike to Mr. and Mrs. Keller, growing out of a claim that Keller had cheated him out of a young lady; there was also trouble about a team. The night before, Badgely had fired four shots at Keller; on the morning of the shooting Mrs. Keller gave her husband the revolver; she had heard the threats of Badgely; after her husband left she saw him go into the saloon, and saw Badgely follow; she ran to the saloon; when she got there she saw Badgely beating her husband; Keller drew his revolver, and Badgely went behind the counter and got Livingstone's pistol; when he raised it Keller fired, and Badgely fell against the barrels as stated by the other witnesses.

Mrs. Emma Keller was the first witness. She testified—I am the defendant's wife; in 1871 we lived in Stockton; knew Wade Badgely; he had no particular business, but ran around; he had been in the army; there had been trouble between my husband and him and he had threatened to kill my husband; he insulted my husband several times; he borrowed my husband's horses and abused them; I took the animals away and he insulted me; the night before Badgely was killed I went out to call my little girl; Badgely was near and mocked me; heard my husband afterwards had some words in the saloon; my husband came home; Badgely went to Mr. Hickman's wife's house and borrowed a pistol; he said he was going to riddle my husband; he came and called my husband vile names and fired four shots at him; the next morning I handed a pistol to my husband and told him if he went unarmed he was a dead man; I saw him go over to the saloon for a drink; saw Badgely come down, rolling up his sleeves; I ran into the saloon, and my four-year-old girl followed; I saw Badgely seize my husband, throw him down and beat him; my husband got away and drew his pistol; Badgely got a pistol from behind the counter; Livingstone was not in the saloon when I went in; I saw Badgely point the pistol at my husband; my husband fired and Badgely fell back; he was behind the counter at the time; my husband went out of the saloon and I followed with my little girl; he never spoke to me, but went and gave himself up; there was an examination that day before Justice Faxon, but I do not remember what took place; I heard Livingstone testify in an examination in Salt Lake; he said he found the pistol where Badgely had dropped it; Tom Fitch was my husband's lawyer at the time; I do not remember the name of the judge.

To Mr. Clarke—My husband was released on bail, as I understood it; Fitch got all of his property; my husband stayed in Salt Lake a few months, and then went to Montana; there he went by the name of John O'Brien; I entered the saloon just as Badgely raised the pistol; had seen them through the window before then; I went down because I expected trouble; I did not see Badgely pick the revolver up; but saw it in his hand just previous to the shooting; my husband tried to avoid having trouble with Badgely the night before; when Badgely fired the first shot I ran to my husband; the second shot went close to my head; I saw him fire four times, and heard the bullets whiz past us; my husband was not in the habit of carrying a revolver; he did not want to take it that morning.

The court took a recess till 3 p. m. before the cross-examination of the

witness had been finished by Mr. Clarke. The defendant and his family went into the marshal's office. Mr. Keller was considerably worked up by this time, and as he walked about he talked in an excited manner, smiling when he took a hopeful view of his chances, and then sinking into a state of gloom as the prospect of an adverse verdict rose up before him.

This afternoon Mrs. Keller was subjected to a further cross-examination, but no new facts were elicited.

The defense offered in evidence the record of the Third District Court for Sept. 18, 1871. On that date is recorded the challenge of the attorneys for Keller, Fitch & Mann, to the grand jury panel.

Clerk H. G. McMillan testified that there was no record of any indictment ever having been found against the defendant prior to 1888.

Mrs. Keller was recalled and testified—Wade Badgely was a very quarrelsome man; heard several persons speak thus of him before he was killed.

John D. Keller, the defendant, was next called as a witness, and gave testimony similar to that given by Mrs. Keller. He was being interrogated as we went to press.

Joseph Smith, the Prophet.

The August and September number of the *Historical Record*, the largest number this year, containing 96 pages, has just been issued from the press. It consists of the closing portion of the history of Joseph Smith, the Prophet. Among the contents of the chapters are the following:

Joseph's life saved through the admonition of the Holy Spirit—He predicts that the Saints shall become a mighty people in the Rocky Mountains—He is falsely accused of being accessory to the shooting of ex-Governor Boggs—Joseph chosen as a candidate for the Presidency of the United States—The city council declares the Nauvoo *Expositor* a nuisance and orders it destroyed—Joseph arrested on a charge of riot—Martial law declared in Nauvoo—Joseph and others start for the Rocky Mountains—At the request of friends they return to Nauvoo—Joseph and Hyrum deliver themselves up—A thrilling descriptive account of the martyrdom of Joseph and Hyrum.

The author has a limited number of the complete history (224 pages) of Joseph Smith the Prophet, bound in paper covers, which he is disposing of at \$1.00 per copy. One important feature of the work is the choice extracts from the writings and sermons of the Prophet. Added to the history are two articles, "Zion's Camp" and "Kirtland Camp" (32 pages). The work is of a very interesting nature, worthy of perusal by all Latter-day Saints.

Not Arrested.

It was stated in yesterday's issue that Bishop Thorne, of Three Mile Creek, Box Elder County, had been arrested by Deputy Steele and gave bonds in the sum of \$1,600 to await the action of the grand jury.

The reporter was misinformed as to the facts in this case, which are as follows:

Bishop Thorne had heard there was a warrant out for his arrest and applied to Deputy Clerk Drake to learn if this were true. The clerk was unable to answer his inquiry, and Deputy Steele being out of the city, Deputy Steele was found who ran through the files of the marshal's office without finding any warrant, although he thought one had been issued.

The Bishop wishing to save the government any expense and himself the annoyance of an arrest, thereupon gave bail for his appearance upon a presumed charge of unlawful cohabitation, and departed.—Ogden Standard, Oct. 6.

SHE WAS CERTAIN.—The husband stood at the door, bat in hand, and spoke with a tinge of impatience in his tone.

"I am waiting, Maria," he said, "for my customary good-by kiss."

"I kissed you only a moment ago, John," replied the wife.

"Why, so you did, my love," said John, putting on his hat, "so you did."

"If I smoked as nasty a pipe as you do," said Maria, "you would have no difficulty in remembering my kisses."—Chicago Tribune.

NOT FOR INTRUSIVE EYES.—"As you can only be a sister to me," he said, in broken tones, "will you let me kiss you good night?"

She shyly said she would.

Then he folded her in his strong arm and, gently placing her head against his manly breast, kissed her passionately.

"Mr. Sampson," she said, softly, "this is all so new to me, so so different from what I thought it to be, that if you will give me a little time to—think it over, I—I may—"

But let us withdraw from the sacred scene.—New York Sun.