

FROM WEDNESDAY'S DAILY, MAR. 14, 1888.

EVIDENCE ALL IN.**Bond Tells a Straight Story.—It Goes Against Taylor.**

The remaining witnesses for the prosecution in the trial of Philip Bond and John Taylor, for murder, were examined yesterday afternoon, there being no variation from the account narrated in yesterday's News. The names of those testifying were James Doney, George Beers and Deputy Marshal W. D. Hickman.

THE DEFENSE

was John Branton, the justice of the peace who conducted the preliminary examination. He was asked a few questions relative to that proceeding, and was excused.

William Taylor, father of one of the defendants, testified: On the evening of July 3, 1887, some one told me that Osborne had my knife; I went out and asked him for it, telling him I didn't want any trouble; he said he wouldn't do it—that he would die first; I then followed him up, and he made a jump at me, striking me with the handle of the knife and cutting a couple of gashes in my face; I must have asked him for the knife twenty times or over.

To Mr. Peters—Know W. D. Hickman; remember having a conversation with him on the 4th about the trouble; I told him that Osborne had knocked me down; I did not tell him that I knew nothing about the case; I did not need a doctor to attend my wounds.

George Wells testified—I was at the Taylor cabin the night of the trouble; there were several of us there,

DRINKING BEER

and having a good time; after William Taylor was knocked down I saw Osborne backing down the cañon with a knife in his hand, and threatening; I ran to Magee's and tried to borrow a gun, but he would not let me have one. In the meantime, old man Taylor had been picked up and carried into the cabin; he was unconscious; when Taylor asked Osborne for the knife, he replied by saying that he would kill any s— of a b— that came near him.

To Mr. Clarke—I went to Magee's to get a pistol, because I wanted to defend myself; I thought I was in danger, because he looked toward me when he made that remark. I wanted to get away from him; had several drinks that day—but I was not drunk; do not remember saying that Osborne received his injuries by falling over a fence—I may have said that; I was not sober on the 4th of July.

The court adjourned to 10 a. m. today.

Thomas Moran was the first witness this morning. He testified—Osborne was raising a fuss before Wm. Taylor came out of his cabin, and wanted to fight; he said he would cut the heart out of the man who interfered with him; Wm. Taylor came out and demanded the knife; shortly after, Osborne struck him; I then went into Magee's house, and remained there; did not see Johnnie Taylor there; he did not come and ask for a gun; I was boarding at Magee's.

To Mr. Peters—I went into Magee's immediately after old man Taylor was assisted into his cabin after Osborne struck him; I had been sitting on Magee's porch 20 minutes before Wm. Taylor was struck; the striking took place between 9 and 10 o'clock; Magee was with me most of the time; Wells did not come to Magee's for a gun; I was

NOT ALTOGETHER SOBER:

I never miss my turn when anybody treats; do not know how many drinks I had; had several of whiskey; I can take 20 drinks and then work; also had several cups of beer that night; I was going to fight with Osborne when I found he had a knife; I then got over the fence and out of the way; when I went toward him he backed down the road, and raised the knife, when I left; he made no effort to cut at me; did not see him frothing at the mouth; Osborne was 25 or 30 feet from the door when William Taylor came out.

To Mr. Dickson—I am not a good judge of time; they were all having a jolly time; I was paying most attention to the beer.

Thomas Ralph testified—I am acquainted with Wm. and John Taylor; was in Taylor's cabin on July 3d last; was there from 5 to 10 p. m.; about 8:30 or 9 p. m. I heard a racket outside; went out and saw Osborne; he was talking with George Blauvel; I warned George that Osborne had a knife, and went back into the cabin; a few minutes afterward, Wm. Taylor came in; he

HAD A SMALL CUT

over the eye; it was bleeding some; Johnnie Taylor asked him "Father are you hurt much?" The old man only groaned in reply; do not know where Johnnie went after that.

To Mr. Peters—George Wells came in with Wm. Taylor; the latter was walking and was not insensible; the wounds on his face were only little scratches; they were bleeding; I washed the blood off; he had been drinking beer.

To Mr. Dickson—I thought at first that he was badly hurt.

John Trehwala testified—Have known Johnnie Taylor five or six years; became acquainted with him in my saloon; I know his reputation for being peaceable; it is good; his disposition is quiet.

To Mr. Clarke—I have never lived in Bingham; Taylor is a customer of my

saloon; my acquaintance with him was at my bar.

Duncan Maginnis testified—John Taylor's reputation is good; he is a quiet and peaceable man; Philip Bond's reputation is also good.

To Mr. Clarke—Never saw John Taylor under the influence of liquor; did not hear of his being thrown out of a saloon about three weeks before this occurrence; he patronizes my saloon.

John Gerrans was the third saloon keeper to testify to the reputation of the defendant John Taylor, and said that it was good.

To Mr. Clark—I am not acquainted in Bingham; do not know how Taylor is regarded there; never saw him drunk.

PHILIP BOND,

one of the defendants, was sworn, and testified—I was born in Cornwall, England; am 25 years old; left England in 1882; went to Michigan, where I remained two years; then went to California; came to Utah in May, 1887, and went to Bingham; was at Taylor's cabin on July 3; we were drinking till about 10 p. m. John Taylor and I went outside; in a few minutes I saw James Osborne; he drew a knife and threatened to kill somebody; I told him to put the knife up, but he would not; John Taylor said Osborne had stolen the knife from his father; Wm. Taylor came and demanded the knife and Osborne struck him; Osborne threatened to kill anyone who came near him; I picked up a stone to defend myself; Osborne retreated down the road, and we followed asking for the knife; John Taylor said he had stabbed his father, and

HIT HIM WITH A CLUB;

he fell, and I went up and took the knife, which I gave to Taylor; Osborne said I struck him, but I had not done so; I saw my pipe in his pocket and took it out; asked him to come around in the morning and see me, when he was sober; I had never talked of any fuss with Osborne; when Taylor raised the club, I asked him not to strike; he was then in the act of striking; I got acquainted with Osborne in Michigan; he was then called Stone; I had not seen him from the time I left Michigan till I went to Bingham; when I saw him I called him by the name of Stone, and he told me his name was Osborne; he said he had stabbed a person in England; I had told John Taylor of it; Osborne had also spoken of it in the presence of John Taylor and James Dorsey.

To Mr. Clarke—I believed Osborne's statement about the stabbing; I thought of it the night of the trouble; did not know who he might cut; I told Taylor not to strike, for fear he would kill Osborne; I said, "Don't strike him with that."

YOU'LL KILL HIM

sure; I don't know that Taylor replied; he said at one time, "I'll fix him;" this was when he went to strike Osborne; I spoke immediately after Taylor asked Osborne if he had stabbed his father; I said to Sheriff Burt that I did not want to suffer for another man's sin; the club Taylor used was part of a shovel handle; I heard that William Taylor burned it; I think Johnnie Taylor told me; We were about 200 feet from the cabin when Taylor came with the club; I picked up the stone to disarm Osborne, because I did not want him to stab anybody else; I understood he had stabbed William Taylor; the stone I picked up was about the size of my fist; Osborne had the knife up when Taylor struck him; Johnnie held the club with both hands.

To a juror—some one told us, before Osborne was struck, that he had stabbed William Taylor.

James Doney testified—I heard Osborne say he had

STABBED A MAN

or a woman in England; heard him speak of it more than once.

With this witness the defense rested their case, and court took a recess till 2 p. m.

This afternoon the prosecution called Nathaniel Stringham, who testified—I became acquainted with James Osborne in May, 1887; worked in the same mine with him; I know what his reputation is.

This testimony was objected to by the defense, and the objection was sustained.

R. G. Lake's testimony was ruled out in the same manner, as it related to the reputation of the deceased.

The witness Lake testified that Bond's reputation was not good.

To Mr. Dickson—I had no trouble with Mr. Bond; heard David E. Young say he was a quarrelsome man; also the night foreman of the Brooklyn mine; Bond had some trouble, when he was drunk, with a Chinaman; I put him out; never heard that he ever attempted to strike any man.

Warren D. Hickman was called to testify as to John Taylor's disposition when under the influence of liquor, but the court held that such evidence was immaterial.

Sheriff Burt testified that the day Bond and Taylor were indicted, Bond said he had protested against Taylor's hitting Osborne, and Taylor said "D—n him, I'll fix him."

To Mr. Dickson—I do not remember the date when he made the statement; he asked to go before the grand jury; I paid particular attention to his words.

The prosecution rested and the arguments before the jury commenced, Assistant District Attorney Clarke leading out for the prosecution.

Bond told his story in a straightfor-

ward, unhesitating manner, that convinced his hearers he was stating the truth. Its effect, connected with that of the other evidence, will, in all probability, be to clear him of the charge. It places his co-defendant Taylor in a bad light, however, and it is not unlikely that he may be convicted of manslaughter.

FROM THURSDAY'S DAILY, MARCH 15, 1888

Arrests at Brigham.

Yesterday two arrests were made by deputy marshals at Brigham City. Two aged gentlemen, A. Norton and E. Wright, were taken into custody to answer to the charge of unlawful cohabitation.

Time Extended.

In view of the fact that some of the district schools in the Territory are still unsupplied with the text books published by Harper Brothers, that firm has extended the period of exchange to April 1st. They thus show a disposition to deal honorably with the people, and should have credit accordingly.

Arrested.

John W. Hess, of Farmington, counselor in the presidency of the Davis Stake, was brought down from the north today by Deputy Coray. He was arrested on a charge of unlawful cohabitation, an indictment having been found against him Sept. 20, 1886. He was taken before Commissioner Norrell, where he gave \$2000 bail to await trial, the sureties being S. P. Teasdale and George A. Lowe.

Funeral Services.

Mrs. Hannah Fielding Dunn, the wife of James Dunn, who died on Monday, was buried at Provo yesterday. The funeral was a most impressive one, the meeting-house being full. A large cortege followed the remains to the cemetery. Elders David John and Karl G. Maeser addressed the congregation, and a few remarks were made by others. James Dunn was himself too sick to attend the services.

Imprisoned.

Ephraim Briggs came into the Third District Court today, to receive sentence for unlawful cohabitation. He declined to give the Judge any assurance that he would obey the Edmunds law in the future and was sentenced to imprisonment in the penitentiary for six months, and to pay a fine of \$25 and costs.

His 80th Birthday.

Last evening arrangements were made by the counselors, family and friends of Bishop Jacob Welier, of the Third Ward, to do honor to him, the occasion being his 80th birthday. The Bishop went to his home from a meeting of the Y. M. M. I. A. and found a goodly company assembled there. The affair was a great surprise to him, and was very much enjoyed by all present. A feast was followed by speeches, singing, etc., and the congratulations and good wishes showered upon the aged Bishop were sincere, and much appreciated.

The Mullett Case.

The police last evening arrested Joseph Mullett on the charge of having committed the crime against nature; the circumstances connected with the offense are said to be most revolting. The defendant was arraigned before Justice Pyper this morning and pleaded not guilty. His bail was fixed at \$1,000, and the preliminary examination is to be held tomorrow afternoon. Failing to find securities, the defendant was committed to jail. That he should have been guilty of such a crime seems almost incredible, but the prosecution allege that they have ample proof. Mr. Mullett is a married man, and his family are highly respectable.

Sinking Earth.

Yesterday afternoon, a few minutes before 3 o'clock, over an acre of ground at the corner of Ridge and A Streets near the divide, covered by five dwellings, suddenly caved a distance of about 18 inches at its deepest point, which covers about one-half of the area described. The inhabitants, which at that time of day consist principally of women, fled in dismay, spilling kettles, pots of soup and capsizing frying pans in their flight. They thought at first that the disturbance was caused by an earthquake, but were not long in realizing the truth, when they beheld the attitude their dwellings had assumed. — *Virginia (Nev.) Enterprise*, March 22.

Winter Still There.

It is estimated that unless winter breaks up within three weeks, at least one-third of the live stock, cattle and horses, in this valley will be lost. A great majority of the stock owners in the valley are entirely out of feed, or very nearly so; and, at the present writing, stock cannot subsist on the range. This is not occasioned so much by the deep snow, as by the fact that there is no feed on the range. Between the long, severe draught of last summer and the ravages of immense herds of sheep, the ranges were totally depleted of grass. Therefore, under the most favorable conditions, there will,

of necessity, be heavy losses should the present bad weather continue longer. — *Mojad, (Idaho) Enterprise*.

Maud Woolfenden's Demise.

After school yesterday a mass meeting of teachers and students of the B. Y. Academy was held in the Assembly Hall, to condole the sad event of the death of Miss Maud Woolfenden, of Beaver, Utah, lately a student of the normal department, and who departed this life Thursday, March 8th, 1888. Hyrum Harris was called to act as chairman and Miss Mattie Nelson as secretary. The chairman appointed N. L. Nelson, on behalf of the faculty and S. A. King and Joseph Findlay on behalf of the students a committee to draft appropriate resolutions. Prof. K. G. Maeser delivered an eloquent and touching address in commemoration of the deceased, and was followed in like manner by other members of the faculty, after which the committee presented the resolutions, which were adopted. — *Provo Enquirer*, March 13.

The Murder Case.

The arguments in the trial of Philip Bond and John Taylor, on the charge of murder, are quite extended, occupying more than a day of the court's time. The opening speech was made by Mr. Clarke for the prosecution. He was followed by Mr. Hoffman, and this forenoon Mr. Dickson made one of the ablest arguments he has yet presented to a jury. Mr. Peters closed this afternoon. The assistant district attorney asked that both Bond and Taylor be found guilty of murder in the first degree—evidently a grave mistake in the light of the evidence, on the part of an officer whose whole duty is to see that justice is done, and one which Mr. Dickson was not slow to take advantage of, giving the prosecutor a scathing rebuke.

Mr. Peters characterized the argument of Mr. Dickson as illogical, and said it was the most unfair speech he had ever listened to. He insisted that under their oaths the jury could do naught else with the defendant John Taylor but find him guilty of murder in the first degree. When Mr. Peters finishes, the case will be given to the jury on the court's charge.

First District Court.

Provo, March 14. The proceedings this week thus far are as follows:

K. G. Maeser entered a plea of not guilty of unlawful cohabitation.

The grand jury reported seven U. S. indictments, and ignored the following: U. S. vs. John Brown, Joshua Davis, Joseph Sawyer, and John Crawford.

A. R. Anderson was arraigned on the charge of unlawful cohabitation and took two days in which to enter his plea.

The case of U. S. vs. George Taylor was continued for the term, a witness of importance being absent.

Harvey H. Cluff entered a plea of guilty of unlawful cohabitation.

On account of one witness being sick the case of U. S. vs. T. K. Cutler, the trial was postponed until Saturday next.

John Harris, convicted of unlawful cohabitation, was escorted to the mud mansion Monday, to remain 30 days only, unless he stays there to pay his \$50 fine.

Albert Thatcher admitted to citizenship.

Joseph Lunceford entered a plea of guilty of unlawful cohabitation and sentence was set for the 24th inst.

The demurrer was overruled in the case of the U. S. vs. Geo. Udall.

On Tuesday morning James Higginson withdrew his former plea and entered one of guilty to unlawful cohabitation.

Brigham Crocherson was tried and convicted of arson, and sentence was set for the 16th of March.

On Wednesday a decree of divorce was granted in the case of Inger M. Christiansen vs. Christian P. Christiansen.

The motion to quash summons in the case of J. I. Case Thrashing Co. vs. Geo. T. Peay was overruled.

Ebenezer Hunter and J. B. Forbes were each arraigned on the charge of unlawful cohabitation and entered pleas of not guilty.

The case of the U. S. vs. Philander Brown was continued for the term.

The case of the U. S. vs. Geo. Udall, perjury, is on trial. It is alleged that the offense was committed in the unlawful cohabitation case against David Udall, his father.

FROM FRIDAY'S DAILY, MARCH 16, 1887.

Smallpox.

Exaggerated reports of the existence of smallpox in Ogden have been circulated in different parts of the country. As a rule these reports are entirely untrue. There have been several cases of sickness, the nature of which the physicians have been unable to agree upon. Some maintain that these cases are smallpox, and others again, of equally good authority, aver that it is not. Every case has been scrupulously guarded, and the three existing cases are carefully quarantined so that there is no possibility of the disease spreading, even if it should turn out to be that much-dreaded disease. — *Ogden Standard*.

Discharged.

Henry Standish, of East Mill Creek, was arrested yesterday afternoon on the charge of unlawful cohabitation, and required to appear before

Commissioner Norrell this afternoon. He dis so, and the examination showed that there was no evidence to warrant his detention, so he was released.

In Honor of President Clawson.

"A" sends us an account of a manner in which the birthday of President Rudger Clawson was celebrated in Brigham City on Saturday last, the Y. M. and Y. L. M. I. A. A company of about forty persons assembled at his residence, and a program embracing musical, literary and declamatory exercises was gone through with. It was a very pleasant affair.

A Burglary Case.

Joseph Watson, indicted with E. Clifford for burglarizing a saloon in Park City on the 25th of January, was tried in the Third District Court today. O. W. Powers defended, and Assistant District Attorney Clarke conducted the case for the prosecution carefully and vigorously. Watson's confession as to his part in the crime was introduced in evidence, the case was given to the jury this afternoon.

Atherton Sentenced.

Yesterday afternoon Thomas Atherton was called up in the Third District Court on two charges of fornication. He changed his plea to guilty, and counsel, Harmel Pratt, asked the leniency of the court, as the defendant had already been in jail three months. District Attorney Peters called attention to the fact that Atherton's conduct had been very bad. The court sentenced him to two months' imprisonment on each charge.

Ogden Gas.

The labor on the new gas works progressing favorably. As soon as weather will permit, which will not long, judging from present appearances, the machinery will be put in place. The floor of the tank will have a layer of cement two feet thick, so as to make it water-tight. The tank will be fifteen feet deep and filled with water to the depth of twelve feet. The used for the extraction of the gas be brought from Crested Butte, Colorado, as the coal to be obtained in is not of the quality desired for purpose. The works will also produce tar and coke. It is expected to complete the block bounded by Main, York, Fourth and Fifth Streets, and then extend the lines as necessary may require. Lighting with gas will be a valuable acquisition to the fair and prosperity of Ogden. — *Standard*.

Probate Court.

Proceedings in the Salt Lake County Probate Court yesterday:

In the matter of the estate of Jennings, deceased; order made affirming sale of real estate.

Estate of John Mayhew, deceased; bond of Hyrum Yeager, executor, approved.

Estate of J. R. Morgan, deceased; order made appointing time and place to hear petition for the assignment of the whole of the property to the wife of said deceased.

Estate of J. S. Roberts, deceased; same order.

Estate of Elizabeth K. Johnson, deceased; order made appointing J. Woodmansee, G. H. Taylor and Bourne appraisers of said estate.

Estate of Hugh McKinney, deceased; order made appointing time and place to hear petition for admission to probate.

FATAL ACCIDENT.

A Man Run Over by a D. & R. W. Locomotive.

SCOTFIELD, Emery County, U.

March 15, 1888

Special to the DESERET NEWS.]

A fatal accident occurred here this morning, the victim being William Johnstone, or Morrison, who was over on the railway track by a locomotive. Very little information could be obtained here in regard to him. He was about 51. He had a father in England, a brother in Australia, two children, whereabouts unknown. He has lived a number of years in Utah principally around Ogden, was employed as an engineer and sawyer. Johnstone is possibly alias and his right name may be William Morrison.

TAYLOR CONVICTED

Of Murder in the Second Degree. Bond Acquitted.

The trial of Philip Bond and John Taylor, the two Bingham miners, the killing of James Osborne, a miner, on July 3, 1887, in Big Cañon, closed yesterday. Judge Zerk charged the jury was carefully, explicitly drawn, and is as follows:

Gentlemen of the Jury:

The Court charges you that murder is the unlawful killing of a human being with malice aforethought. That such may be expressed or implied. It is expressed when there is manifest intent to take the life of a human being; that is, when no considerable provocation exists in evidence, or when circumstances attending the killing, as they may appear in evidence, show an abandoned and malicious heart.