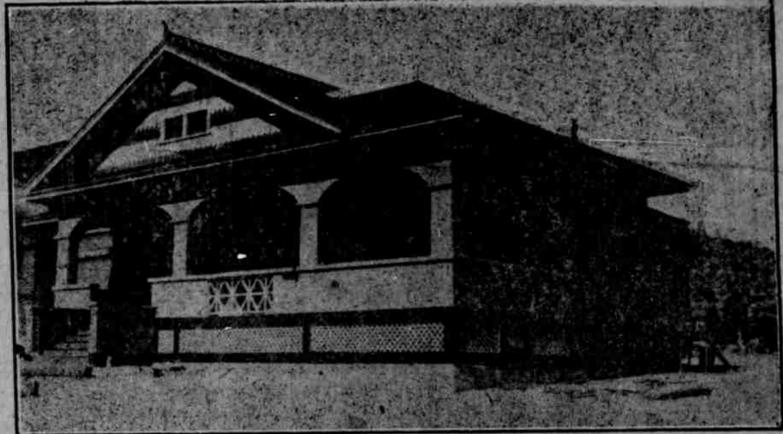
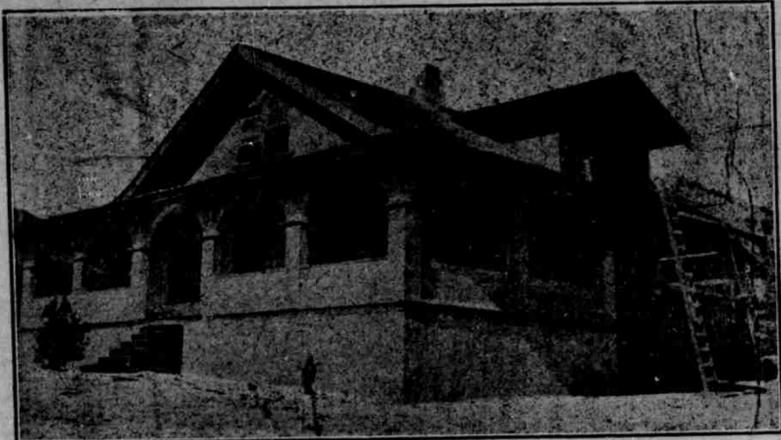


# THE PIOCHE RECORD



THE NEW PIOCHE—Suburban residences of Dean R. Low and George E. Cox, at Princeton. The first picture is the Low home.

## ERNEST DUPONT ON TRIAL FOR HIS LIFE

### HAS BEEN IN PROGRESS IN DISTRICT COURT ALL WEEK

CASE WILL LIKELY REACH THE JURY LATE THIS AFTERNOON—DEFENSE PLACED GREAT STRESS UPON THE FACT THAT THE PRISONER RECEIVED AN INJURY IN YOUTH FROM WHICH HE NEVER FULLY RECOVERED—MOTHER MORTGAGES HER HOME TO RAISE FUNDS TO HELP SAVE HER SON FROM CONVICTION—MANY WITNESSES EXAMINED AND TRIAL CREATED GREAT INTEREST.

#### THE JURY.

- \* Melvin A. Lee, Panaca.
- \* A. R. Norden, Royal City.
- \* J. E. Tomlin, Mendha.
- \* C. W. Fuller, Pioche.
- \* C. B. Steinman, Pioche.
- \* E. D. Smiley, Pioche.
- \* C. D. Gorge, Delamar.
- \* J. W. Connell, Pioche.
- \* Joseph L. Millett, A'amo.
- \* A. G. Bland, Panaca.
- \* Richard Camden, Elgin.
- \* Louis Gillespie, Panaca.

The trial of Ernest Dupont, the young man charged with the murder of his companion and friend, Elmer Davis, at Onesta on the evening of the 9th of last June, has been in progress in the district court all this week. It took until late Tuesday afternoon to secure a jury, composed of the foregoing named citizens and taxpayers of Lincoln county; whereupon the state began the prosecution of its case.

Arrayed on the side of the prosecution was District Attorney John M. Breeze, assisted by H. S. Laney, of Callente; while the defendant was represented by Charles Lee Horsey of this city and Judge M. M. Warner of Salt Lake. Just to the rear of them sat the accused, his face pallid, as a result of the long strain which he has endured since he became a principal in a tragedy which has brought many heartburnings, not only to the young widow at Onesta who now bears an infant in her arms; but to the faithful mother who, it is said, mortgaged her home at Poca-which to make the fight to save her son from being sent to prison, if not to the gallows.

Young Dupont looked far from being a criminal. He seemed to be an object of pity more than anything else; while the sympathy of the judge and jury, as well as the public, went out to his mother and sister who were constant attendants on the trial.

In telling the story Thursday afternoon of the accident that befell her son when but four years of age; the operation that followed, in which it was necessary for the attending physician to extract about two teaspoonfuls of brain matter, Mrs. Dupont nearly broke down. But collecting

herself, went on with her testimony. The mental condition of her boy, she said, was not always right. She related incidents that happened before and after a second operation had been performed upon the young man at Delamar, at which time the skull was opened and the brain cleaned. The last operation gave relief, yet he was ever after subject to spells which caused him to be wholly oblivious of what was going on about him. Mrs. Dupont explained that her son could not be induced to remain at home after about four years ago; although herself and other members of the family had done their best to make him contented. She said the boy never gave any reason for disliking to stay at home, but the defendant explained this when he took the stand in his own behalf by saying that "he was ashamed" to remain around where so many knew of his infirmities.

Mrs. Dupont told how her son had complained of headaches while attending school and out of school; what anxiety he had caused her by running away from home, going one time as far as Walla Walla, Washington.

The first witness placed on the stand by the prosecution was Miss Nettie Thompson, who was a resident of Onesta at the time of the tragedy. It was at her tent where the shooting occurred. She testified that both Dupont and Davis were under the influence of liquor when they came to her place, which was about 8 o'clock on the evening of June 9. They rode up on their horses, dismounted and came inside. While there, the two men engaged in a quarrel; Dupont forced Davis to come out side. The witness urged Davis not to do so and told both of them not to get into a fight. Dupont, so the witness said, told Davis that he was a coward and was afraid to come out of the Thompson tent. At this utterance, Davis "roke a" from Miss Thompson and engaged in a scuffle with Dupont. The shot soon followed. The witness then ran out, saw Davis lying on the ground and heard him exclaim: "Ponty, what did you shoot me for?"

The witness asked Davis where he was hurt and he replied that he was shot through the heart. The witness also swore that she saw Dupont draw a gun just as he emerged from the tent. She said she had never seen Dupont, in the condition before

that he was on the fatal evening; but attributed it to his heavy drinking. After the shooting the witness saw Dupont kneeling near the feet of Davis; she then ran towards the tent occupied by Walter Davis, the brother of the deceased, but met him on the way. She saw no more of Dupont until the next morning. Up to that time she had never heard of Dupont having been injured on his head in early life.

#### A GIRL WITNESS

Wednesday morning, the state placed Ada Thompson, the 14-year old daughter of William M. Thompson, on the stand; but the testimony of the girl was conflicting and evidently considered to be of little consequence, either by judge or jury.

Following the girl witness Mrs. Cor Davis was called. She said that she was in the tent occupied by herself and husband at the time of the shooting; that she had heard Elmer Davis and Ernest Dupont quarrelling at the Thompson tent and called to her husband to go and see what the trouble was about. The latter, she said came and went toward Thompson's place; but that the shot was fired before he reached there.

#### SAW MEN RIDE UP.

Willie D. Eddards was another witness for the state. He said that he saw Davis and Dupont ride up to the Thompson tent and heard them ask Nettie Thompson for beer, to which the later replied she had none. Witness knew Dupont had a gun, but didn't see it; he heard the shot fired and afterward, saw Elmer Davis lying on the ground with Dupont kneeling down near him.

#### BROTHER ON STAND.

Walter Davis, brother of the deceased, was the first witness called Wednesday afternoon, and related that the first he knew of any trouble was when his wife called his attention to it. He ran to the scene of the affray; but the shot was fired before he struck young Dupont to the ground. He then turned his attention to his wounded brother, whom he picked up and carried into the Thompson tent. The witness was asked if he had seen the wound, replied that he had and described that the bullet had entered near the breast bone and had emerged under the right shoulder blade. His brother lived, he said, about a half hour. After hitting Dupont, he saw nothing more of him until the next morning when the latter walked over from the Wall tent, where he had stayed all night; he enquired how Elmer was and was told that he was dead. Witness asked Dupont what he had shot Elmer for and he replied that "he didn't know."

In the cross-examination of Davis by Judge Warner, it was brought out that after the shooting Dupont begged Walter Davis to shoot him or give him a knife or something to kill himself with. Witness said he had seen Dupont drunk before.

#### TOOK GUN AWAY.

William M. Thompson testified that assisted by his son, William J. Thompson, he deprived Dupont of the gun which caused the fatality and gave it to his daughter, Nettie, for safe keeping. As he did so, Dupont said: "Rone, shoot me, its all off with me anyhow." "I paid no more attention to Dupont," the witness went on, "but went to give Elmer Davis what assistance I could I did not see Dupont until the next morning, just before sunrise when he came out of the Wall tent. I told Elmer Davis was dead and asked

(Continued on Page Eight)

## MERGER OF MINES IS NOW COMPLETE

### AUTHENTIC INFORMATION COMES FROM NEW YORK

New Company To Be Formed With George E. Learnard as President—Ernest L. Godbe Stated for Vice-president and Managing Director—Nevada Utah and Ohio Kentucky Equal Owners of Stock.

The Pioche Record is in receipt of a private letter from New York in which the writer gives some authentic information relative to the Nevada Utah-Ohio Kentucky consolidation.

The sender makes the statement that a subsidiary company is to be organized with a capital stock of probably \$10,000,000; that one-half of the stock will be held in the treasury in the name of the Nevada Utah company and the balance held in the same manner by the Ohio Kentucky company.

George E. Learnard, president of the Nevada Utah, is to become president of the new company which will be launched under the title of Pioche Consolidated Mines company. One of the Godbe brothers, probably Ernest L., will be vice-president and managing director. Each of the old companies is to name two directors and in all matters brought before them, at least three of the number must concur.

According to the plans outlined in the preliminary conferences held recently in New York, funds will be available in the near future for the erection of a concentrating mill to cost at least \$200,000 and it is more than likely that the whole scheme will lead up to the erection of a smelter commensurate with the needs of the camp at the present time. Mines company.

It is expected that some of the officials of the consolidated company will be in camp sometime next week.

#### DID YOU HEAR THE SIREN SHREAK AT NO. 1 SHAFT?

Did you hear the whistle blow? This was a query that came from nearly everyone you met on the street Wednesday. When everything was in readiness, the engine under a full head of steam at Nevada-Utah No. 1 shaft, an ear splitting blast broke forth.

Usually the tooting of one lone whistle is attended with no great amount of enthusiasm. Nevertheless, there was something out of the ordinary about this occasion, for people who heard the siren regarded it as an official announcement to them that the long pending controversy between the Nevada-Utah and Ohio-Kentucky companies had been settled; that a consolidation of the conflicting interests had been effected and that the big silver-lead mines just above town are being shaped up again

to output their riches. It was taken to mean that the beginning of a new era in the industrial life of Pioche and the forerunner of unprecedented mining activity in this region—eclipsing the days when this town boasted of a population of upwards of 7,000 souls.

Just a little further up the mountain side is the Susan Duster mine. One of the principal properties of a force of men was put to work last Sunday morning and since then, the familiar choo, choo, of the Fairbanks, Morse & Co. gasoline engine has been heard.

The steaming up of the two properties mentioned, however, is only preparatory for the campaign that is to follow later—when all the details connected with the consolidation of the Nevada-Utah and Ohio-Kentucky mines; the organization and financing of a subsidiary company will have been arranged. Naturally, it will take a little time to do these things. Stockholders' meetings will have to be called to ratify the agreement arrived at between President Learnard of the Nevada-Utah and Ernest L. Godbe, representing the Ohio-Kentucky, in New York.

When mines are closed down as long as these have been, caves almost invariably occur, and have to be caught up with timbers. In other words, more or less cleaning up has to be done, just as is the case with a house that has been unoccupied for a long time.

That is just what has been going on at the Susan Duster and Nevada-Utah shaft No. 1 this week. When this is done, doubtless the mines will be thoroughly sampled by a competent staff of metallurgical engineers who will determine the method by which the ores can best be treated, and the proposed mill built in accordance therewith.

#### PIOCHE PUBLIC SCHOOLS.

Fall Term Opened Last Monday With Good Attendance.

The Pioche public schools opened last Monday with a good attendance and with a competent corps of instructors.

Some complaint has been heard about the difficulty experienced in securing the necessary instructional books none of the merchants being willing to carry them in stock. This trouble has been overcome, however. It is expected that the new school building will be ready for occupancy by the middle of October.

Members of the board of education propose to see that the truancy law is carried into effect this year more rigidly than it has been heretofore.

#### NEW GOLDEN PRINCE ENGINE IS INSTALLED

The Golden Prince company has completed the installation of a new Fairbanks, Morse & Co's gasoline engine compressor on other equipment.

Conditions underground are reported by Manager Cox to be very gratifying.

#### Smith Divorce Suit.

The suit for divorce brought by J. W. Smith of Callente, against O. H. Smith, which was tried before Judge Brown in the district court last Saturday, resulted in favor of the defendant; who was also awarded alimony of \$50 per month.