

THE EVENING DISPATCH.

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PROVO CITY, UTAH, TUESDAY, SEPTEMBER 25, 1894

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THE DAVIS CASE.

The Prosecution Rests and the Defense Begins.

STATEMENT OF THE CASE

By Mr. Davis's Attorney--It Throws Another Light on the Tragedy Altogether--Other Business Done in Court--A Divorce Granted--New Cases--Notes.

Our report of the Davis trial closed yesterday with Coroner Jacobs, first witness for the prosecution on the stand. Cross examination of this witness developed that Davis had told him (Jacobs) that the reason he (Davis) went to Brock's cabin was because Brock and the other men had stolen some honey and other articles from him and that he had learned they were going away and he wanted to have a settlement with them before they left. Brock was on horseback when Davis met him. Brock had a pair of chain hobbles in one hand. Brock rushed the horse at him and struck him on the head and back with the hobbles and then Davis shot at him once. Brock came toward him and Davis shot a second time.

The verdict of the coroner's jury was justifiable homicide. Re-direct: The faces of both Drussel and Mueller were powder burned. The Winchester found in Brock's cabin had a cartridge in that had not been fired. Witness had examined the gun and it did not appear to have been fired. J. H. Miller, now of Salt Lake, but who lived at Cisco pump house at the time of the shooting was the next witness called. Saw Davis and Grant a few days after the killing. They were on their way to Moab to give the answers up to the officers; Davis told him he had had some trouble; Davis said that both he and Grant were armed at the time of the killing; Davis further said that Brock and his gang had stolen some honey and other articles from his (Davis's) house and that he had gone up to tell them that if they left the country it would be all right, but if not he wanted a settlement with them. James Wells testified that Brock had been shot in the back of the head. On cross-examination he admitted having signed the coroner's verdict concerning Davis. Testified to having found some honey in buckets in a trunk in Brock's cabin, and also some hidden

across the river. Albert Jacobson testified to having been asked by Davis on the day before the shooting for the loan of a gun. Davis said he might need it to go and get some thieves arrested who had stolen some honey from him. W. B. Champlain testified that the bullet entered Brock's head from behind. In the cross-examination of Wells and Champlain, Arthur Brown succeeded in getting testimony out of them to the effect that they knew where Brock had hid the honey and other articles, property of Davis, across the river, and that after the killing they had appropriated the same to their own use, paying Mrs. Davis for a portion of them. Wells and Champlain wore Brock's boots and Mueller's shoes at the former trial. They testified to having purchased them at the sale of the effects of the deceased, but afterwards admitted that this could not be so as the sale did not occur until the December following the former trial. Prosecution rested and court adjourned.

THIS MORNING. At 9 o'clock the court was opened with only the judge, the clerk, one bailiff, a few jurors and the newspaper boys present. To the audience the minutes of yesterday were read after which a breathing spell of three quarters of an hour was had, the auditory case against Hyrum White of Springville to be heard this morning at 9 o'clock not being ready for trial. The Davis case was continued by the defense putting on the stand for cross examination Coroner Jacobs. Witness didn't remember telling Mrs. Davis on the evening after the coroner's inquest not to worry as Mr. Davis would meet with no trouble as the killing was a clear case of justifiable homicide, and that he and the coroner's jury had so testified by their verdict. Before proceeding, with their side of the case the defense asked that the prosecution be requested to produce the eye witness to the tragedy, Frank R. Grant. Judge Judd replied that he did not know where Grant is and if he were here he would not put him upon the witness stand for he (Judd) considered Grant a criminal equal with Davis, and not worthy to be believed under oath. No order was made to produce Grant and Arthur Brown added one more to his very long list of exceptions. Attorney George Sutherland then went before the jury and delivered a statement of the case for the defense, in effect as follows: "In 1890 Captain W. E. Davis entered in the civil war. So efficient was his services that he soon rose to the rank of captain. While in that service he received serious wounds in the hip, the effect of which was to make it difficult for him to move about rapidly. After the war he served in several of-

ces, among them that of sheriff. In all he made good records. In 1877 he came to Utah and in 1891 moved to Westwater. He first met Brock in county jail at Grand Junction where Brock was incarcerated for cattle stealing. Davis had been informed that Brock had a ranch that he could get cheap. An arrangement was made whereby Captain Davis took charge of the ranch with the understanding that he would give it up to Brock in case he returned within a certain time. In the morning of the houses, etc., Davis employed Brock, Drussel, and Mueller respectively. They lived nearby in a fortified cabin. Davis frequently missed articles of property and as often found them in or near this cabin. The day before the tragedy a considerable amount of honey was missed and traced to the Brock cabin (Brock had two cabins, one on a ranch and this one a fortress against intrusion by any stranger). That night Davis and Frank Grant went up to the cabin and secreted themselves. While in hiding they overheard a certain conversation that convinced them that Brock and his gang were not going to leave that night as expected, so Davis and Grant returned. Next morning bright and early they were on the ground again. Brock went away for horses. Davis approached and spoke to Drussel. Drussel said Davis wanted a racket and he would get it. Davis replied that he simply wanted to settle matters, amicably if possible. A quarrel resulted and Brock advanced on Davis. Davis shot over his head to frighten him. At that a shot from inside the house cut through Davis's coat. Davis Drussel jumped to the door, pushed it shut and reached his left hand between it and the sill and fired, killing Mueller, who fell with the cocked gun in his hands. I tell across his arm. On their return home Davis and Grant met Brock. Davis asked Brock to dismount as he wished to talk to him. Brock refused and called Davis some hard names. He rushed his horse at Davis and struck Davis over the head and back with a pair of chain hobbles. Davis shot at Brock, the effect of the moment concluded that he had missed Brock as he saw Brock coming at him again although stooping over and Davis shot again, the ball entering the head. It is of course afterwards developed that the cause of Brock's stooping was that he was shot in the groin. The coroner's jury exonerated Davis, but after that he gave himself up to the officers of the law being desirous of being thoroughly vindicated and desiring that it were possible to be secreted about the affair. It would be proven, Mr. Sutherland said, that before the homicide, Drussel went to Mrs. Davis and asked for the captain's pistol saying that he was a bit of a gunsmith and would repair it as he knew it was out of repair. He repaired it and with a smile, the significance of which was not understood, then said, 'I've fixed the pistol'. Evidently when he rushed on Davis with the club he thought Davis had that pistol which was found afterwards to be so 'fixed' that it would not explode a cartridge. One C. H. Hallett had heard Brock, Drussel and Mueller plan for the killing of Davis. Testimony for the defense is being offered and will be published tomorrow.

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FIRST TRANSATLANTIC STEAMER. SENATOR VANCE MET THE ISSUE.

The first steamer to cross the Atlantic was an American vessel called the Savannah. She was a steamship, and used both sails and steam, and was built by Crocker & Fickett at Corlear's Hook in New York city. The present belief is that she was built by a party of capitalists who intended to sell her to some foreign monarch. She was commanded by Captain Moses Rogers and was a ship rigged vessel of nearly 400 tons. She had a horizontal engine, which was placed between her decks, and her boilers were in the lower hold. It is generally admitted that the Savannah sailed from New York in 1819, going to Savannah, her namesake, in seven days, four of which she used steam. There she was chartered by the city corporation to go to Charleston to take President Monroe, who was then traveling through the states on a pleasure excursion. He failed to accept the invitation, and the boat returned to Savannah. After remaining at this port for some days and taking out parties of curiosity as well as pleasure seekers the Savannah sailed for Liverpool, reaching it after a voyage of 18 days, seven of which were made under steam. The arrival of the strange looking vessel, with huge clouds of smoke ascending from her decks, and obscuring her rigging, caused quite a commotion when she entered St. George's channel off the city of Lark, and the commander of the British man-of-war lying in the harbor thought she was a vessel in distress and sent two cutters to board her. Everything found all right, however, the Savannah was allowed to proceed on her way, and thousands of people greeted her as she steamed up the Mersey to Liverpool with the American flag flying at her head. The Savannah then made a trip to Copenhagen, Cronstadt and St. Petersburg and then returned to this country, where she was relieved of her steam apparatus and for many years ran as a packet between New York and Savannah, finally going ashore and breaking up on Long Island. The Savannah was, of course, a side wheeler, and as it was impossible to carry a sufficient supply of fuel in her to keep up steam on a long voyage her wheels were removed during good sailing weather and canvas substituted. The King of Sweden wanted to buy the boat when it was abroad, but the deal went through. Now, these are the facts about the first steamship that ever crossed the Atlantic ocean.--Washington Star.

But the Reporter Failed to Get a Big "Scoop" All the Same. "I once had an experience," said an old newspaper man at the Press club to a reporter, "with the late Senator Vance which I shall never forget. It was during Crisp's first contest for the speakership, and, as you all probably remember, every newspaper man in town was hustling for inside news. The sources of this, as usual in such cases, were very few, and Senator Vance, who was acting in the capacity of an advisor to the nominating caucus, had to spend most of his time dodging journalists. "So wary did he become that he discontinued taking his lunch in the senate restaurant and had it served in a committee room. One day, however, I caught a glimpse of him passing through one of the lower corridors on the house side. Determined not to let him escape me, I at once hastened forward, and in the most innocent manner possible began asking him about his health, which was rather bad at the time. He answered all my questions in the kindest manner possible and was about to leave when I said: "Oh, by the way, senator, who do you think will get the nomination?" "I don't know exactly," he replied, "but they will have to fight if they want to win." "Certain now of my information, I began to see the letter I was going to receive from the home office, after they had published my big scoop, telling me in the most flattering terms that the paper had decided to raise my salary on account of my good work. "Which side, senator? I asked, almost in a whisper for fear some one would be lurking in the dark recesses and hear the reply which was to make me the most noted hustler for news in the ranks of journalism. "Both sides," he replied as he disappeared in the door of a committee room. "And the letter that I looked for never came."--Washington Times.

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HOW TO STUDY PROPERLY. Books Should Be Well Chosen and Read Carefully, Not Devoured. Study is like a dinner. The viands must be well chosen and eaten slowly, not devoured, then well turned over in the mental stomach for awhile until with ease and comfort they are perfectly digested and furnish nutriment to the brain. Most students study without thought, which is like eating without digesting. Others read merely as a fad and soon forget all they may have learned. The most satisfactory method of study is the digestive. It is the thorough one--the one that gives strength to the brain. Take the subject you are studying. Read a few lines or a few pages, as the case may be, then put the book down and think on what you have read. Turn it about in your mind from every standpoint. Do not accept it immediately. Argue for and against it in your mind. In other words, masticate it. You need not be at your leisure to do this. Do it in your walks, in your idle moments, at any time. When you have satisfied yourself on the subject, go on with a little more in the same way. In a short time you will find yourself more a thorough student than if you had read all at a sitting. The best educated man in the end is the man who learns slowly, but surely.--New York Advertiser.

Democrats, Attention! Primaries will be held in Provo; Thursday evening, September 27, 1894, at 7:30 p. m., for the election of delegates to the county convention to be held in the county courthouse at Provo October 1st 1894, and for transacting such other business as may come before the meeting. The apportionment of delegates is as follows: First ward 10; Second ward 7; Third ward 10; Fourth ward 7; Fifth ward 12. The primaries will be held at the following places: First ward, Webster schoolhouse; Second ward, county courthouse; Third ward, Franklin schoolhouse, large room upstairs, fourth ward, Parker schoolhouse, west room; Fifth ward, Parker schoolhouse, north room. It is earnestly requested that every democrat attend the meeting in his ward, that the feelings and sentiments of the people may be fully represented in the county convention. SAM. A. KING, Chairman.

T. N. TAYLOR, Secretary.

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A Paradox of Civilization. One of the paradoxes of modern civilization, says the New York Telegram, is shown forth in the fact the defense of New York harbor is deemed as important as its improvement. While the government with one hand is removing obstructions, with the other it is obliged to erect them. Here is a nugget for the next peace congress. Dr. Price's Cream Baking Powder. World's Purest Baking Powder and Greatest.

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