

OGDEN DEPARTMENT.

DISTRICT COURT PROCEEDINGS.

AT TEN O'CLOCK Thanksgiving morning his honor took his seat. The clerk read the proceedings of the 24th, which was ratified by the Court.

W. H. Dickson, Esq., prosecuting attorney, came up from the capital and took his seat among the members of the bar, and the court room was again filled with spectators from various parts of the country.

The special call of the case of the People vs. Charles Branson, charged with grand larceny, was the first case this morning. W. H. Dickson, Esq., prosecuted, and Messrs. N. Tanner, Jr., and James N. Kimball, Esq., were retained for the defense. A jury was impaneled to try the case. The names of the jurors are: Daniel Woodland, F. Foy, George Burrows, James S. Thomas, Henry Larson, Mark Fletcher, Joseph Jenkins, W. M. Barry, James O'Connor, Thomas Grant, W. M. Bowman and Andrew Larson. The clerk then read the indictment which charged the defendant with having, on the 22d of June last stolen national bank notes to the amount of \$180, from D. C. Llewellyn, in Box Elder County. The alleged victim was the first witness. He stated that he was asleep in a second class car on the C. P. R. on the night of the day named, and he had about \$175 or \$180 in a pocket book in the left pocket of his pants; he was asleep at the time. When he awoke the book and money were gone. The train was going west at the time, but he could not tell at what part of the road they were, or whether they were near any particular station at the time the cash was taken. It consisted in part of National bank notes and part United States currency. He also had a little silver in the same pocket when he left Ogden, and that was in his pocket when he woke up. He did not remember the numbers of the bills. It was between five and six o'clock next morning when he missed his money. Witness' present residence is San Francisco, Cal.

N. Tanner, Jr., was then called as a witness for the prosecution, and said he did not remember the exact date he was engaged for the defense—it was just previous to the finding of the indictment. He received some money from the defendant. He was asked what kind of money. Mr. Kimball objected to the question as being immaterial. Overruled. Witness then said he received a \$50 bill in currency from defendant in jail. By currency he meant paper money.

Mrs. Kate Allen was the next witness for the prosecution. She had seen the defendant in an upper berth of the railroad car on the 22nd of June—also saw the complaining witness the same time and place. Defendant leaned from his berth and moved the curtains of the berth of witness; she asked why he did so—he said he was sleeping there; he leaped from his berth, reached down a slant, took up her satchel, "fumbled it over"; took up her looking glass and examined it. Did not see him take any money.

John R. Batchelor, builder, of San Francisco, Cal., was on the train in question and saw Mr. Llewellyn and Mrs. Allen on it at the time named in the complaint. First saw defendant on a train to the east. He left him at Denver and subsequently saw him again on the train at Ogden. Did not see defendant go into the car of complainant, but saw him get out of his berth and go towards the car complainant was in. This was about midnight—exactly five minutes to twelve o'clock.

At that time defendant came in again and got up into his own berth. Witness was on his way to San Francisco, and occupied his own car all the way home.

E. S. Luty was sworn. He is conductor on the train in question and saw the defendant there first in the smoking car Corinne. He ran as far as Carlin, met first eastbound train at Tacoma. Searched the train near Wells, Nev., for defendant but could not find him he having disappeared during the night.

Mrs. Kate Llewellyn, wife of complainant, next testified. Was on the train with her husband. Saw defendant at night in the same car when she was in her berth. He was pushing against the berth of Mr. Allen. Her husband asked him what he was doing. He said he "was sleeping" and if he was disturbed he would go to a car by himself.

R. H. Slater, of Hot Springs, was there on the 22nd of June. Saw the defendant there with some lady whom he claimed as his wife. On the 21st they came to Ogden. He returned to the springs next morning at 11:05.

Luty was recalled and said they seldom have passengers on their train for the Hot Springs, but if they do they, by request or permission, put them off opposite the springs. The west-bound passenger train leaves Ogden at 7 p. m., local time.

B. F. Deal, detective officer of San Francisco, deposed to arresting the defendant on the 1st of July last between Ogden and Corinne. When he first saw defendant he had no check, but saw him take one out of another man's hat, go into the closet, and came out again with it in his own hat. He gave the name of Chas. Brauson. Witness searched him and found on his person 75 conductor's checks from San Francisco to various points on the roads south of that city, and some to places in other directions. They were here produced by witness as evidence. He also found several hotel cards, for Putnam, etc., in Southern California.

When arrested defendant said he had never been any further west than Corinne. The defense objected to the introduction of these articles. He also found \$20 in gold, and ten and five dollars in greenbacks. When at Corinne he shipped him and made a thorough search of him. He also brought him to Ogden and searched there at the city jail, when the prisoner acknowledged that he had given a \$50 note to Tanner which detective had not seen. He also had a diamond worth \$125 concealed on his person.

Sheriff G. R. Belnap deposed to searching the defendant at the jail about the first of July and finding a diamond in the lining of his pants pocket.

Jailor M. F. Brown testified to the defendant being brought to the jail by Deal and being searched by both of them. No other person had searched him up to the time the prisoner was delivered to the sheriff that day. At 12:30 the court took recess till 2 p. m.

At that hour Mr. Kimball moved to strike out all the evidence of Mr. Deal relative to finding the railroad check on defendant. The objections were overruled and partly admitted.

The testimony being all in, Mr. Ogden Hiles addressed the jury for the prosecution. He recapitulated the substance of the indictment, traced the movements of the defendant up to the date of finding, reviewed testimony of the witnesses and argued that upon no other theory could they explain the conduct of the accused at the time of his arrest and his conduct here, only that he is guilty. He pointed out with clearness that all the movements of the defendant on the train and at other times, and places indicate his guilt. His address was very brief and terse.

Mr. Tanner followed for the defense. He argued that in order to find the defendant guilty, they must find beyond a reasonable doubt that the money found in the possession of the accused was the identical money—bills of the actual denomination and kind as those which are alleged to be lost by Mr. Llewellyn, and also that Branson had taken them unlawfully from the complainant. He pointed out that it was shown in the testimony of Llewellyn, that he did not remember whether the \$50 bill was a national bank bill or whether it was a United States treasury note, and so with some of the other bills alleged to have been stolen from him. He thought the jury were not satisfied beyond a reasonable doubt, that if the complainant had been robbed of the money alleged, that he defendant had stolen it from him. They must be satisfied of this fact before they can find him guilty. There has been no evidence adduced to warrant them in such a finding.

Mr. Kimball followed Tanner and argued in the same strain for a short time.

Mr. Dickson made the closing speech. He said he did not aver that any one point of the evidence taken alone was sufficient to convict, but he did claim that the whole taken together, was amply sufficient for this purpose. Counsel for defense had asked if there was any peculiar characteristic in the features of the defendant that would indicate crime. In answer, Mr. Dickson said, pointing to the accused man, "no man can look into that face, and look into those eyes without seeing crime written there." Counsel analyzed the whole of the evidence, and in his most scathing terms denounced the defendant as a liar and a thief, and said he was plying his profession as a robber when he was arrested by Deal on the train. He submitted the case to the jury, assuring them that Branson stole the money he is accused of, and that they ought to convict him. The Court then charged them and at 4:10 p. m. they retired.

While the jury were absent John Stoddard was arranged on two indictments charging him with unlawful cohabitation. He took the statutory time to plead. Emma, Sarah, Elizabeth Agnes and Ellen Stoddard were placed under two hundred dollar bonds to appear in this case on Wednesday morning next, December 1st the bonds of Elder Stoddard are \$1,500 and \$2,000 respectively.

At half past four the jury filed into court again, and answered to their names and presented a verdict of "guilty" against Charles W. Branson, as charged in the indictment. Next Monday is the time set for passing sentence on him.

Elder Stoddard then came into court again and pleaded "guilty" to the charges above named against him. He will be sentenced on Monday. Court then adjourned till 9:30 a. m. Saturday.

OUTSIDE OF COURT.

Mr. W. H. Dickson came up from the capital to attend the District Court Thursday. He was a guest at the Broom Hotel.

ON Thanksgiving day many of the Ogden Nimrods went out by squads to the sage plains to hunt the jack rabbits. They returned in the evening with vehicles laden with many of those little quadrupeds which they had slain.

THE mountain rangers who every fall go into the hills and distant valleys to chase the wild deer and the bounding roe, have bagged a number of this kind of game which they have brought home and placed upon the market. Among them are some fine, fat bucks which weigh several hundred pounds.

DR. SLATER, of the Hot Springs, says that he has replaced the building which was, some time since, destroyed

by fire, with a new structure of 120 feet, and which contains, all told, some 75 rooms for the accommodation of the numerous patrons of that popular health resort for invalids. The new building will be ready for occupation about Christmas.

ELDER JOHN STODDARD, who has been absent from home for some time past, returned to-day to see the children and some of his friends. Thursday afternoon he was arrested by Deputy Marshal Exum and brought into court. He is charged with unlawful cohabitation. He was bound over in the usual sum to appear when wanted for trial.

THE GRAND JURY ignored the bill against Mr. John Douglas, of West Weber, who was arrested several weeks since on a charge of unlawful cohabitation. He is now a free man. He is over 70 years of age, and is very feeble.