

NEWSY LOCAL TOPICS.

From the Daily of December 14

GUILTY OF ARSON.

Golden Sticks to the Plea that He Alone Did the Burning.

The court room of the first district court was crowded yesterday morning at 10 o'clock, when the bailiff rapped for order and proceedings began. It was expected that Golden would change his mind during the night, and instead of pleading guilty retain the former plea of not guilty to the charge.

The first thing after the transaction of some routine business was the arraignment of Golden.

To the surprise of many of the spectators who had watched the case with interest, Golden insisted on withdrawing his plea of not guilty and entering one of guilty.

The order was made, and that closed the case against one of the defendants.

Major Bredon was retained in the case as against French, and conducted the examination of the witnesses, assisted by Messrs. Perkins and Murphy.

It was evident that the prosecution did not, by any means, expect to liberate French on the strength of Golden's plea, given to exonerate French.

T. J. Campbell was the first witness called. He testified I was a prisoner in the county jail last October; was confined for renting rooms to girls; knew Mr. French at the county jail; remember the time French was called in the office to look at the can which had been found, when he came back he talked of the can; he said "I even saw the can. If they'd let me out of here I could put my hand on the man that did it, in 15 minutes."

Cross-examined—He may have said "a can" instead of "the can."

Mayor Kiesel testified: I know French and Pat Foy; they came to see me in the latter part of September or the beginning of October; I remember French's arrest; think it occurred the same day of the visit; the object of the visit was to have French sworn in as a special policeman to discover the incendiaries who had been burning in the city; Mr. Foy backed up the application stating that French had had much experience and knew the gang and would have his man in three days; on the strength of that I issued a permit or a request that he be sworn in as a special policeman; this was at a time when we were straining every nerve to capture the incendiaries.

J. V. Bluth was called. He testified that during the recess of the previous day he overheard Golden say as he left French after a quiet consultation, "That's all that remains for us, or else we'll both go up." He had not seen French make any assertion or show any sign of hearing the remark.

John W. Metcalf, city marshal, testified. The two defendants have been kept apart while here and have had no opportunity of talking together; while in the court room yesterday I saw Golden get up, walk to French and engage in earnest conversation. I got up and I interfered, and as I did so Golden said, "Now, you mind."

The testimony of these two witnesses was stricken out with the exception of the mere fact that Golden and French talked together.

Walter Earl testified. I heard French say something, while in the county jail, about the visit to the Sheriff's office to see a can; I heard French say to Dick Ransom, "They took me up stairs and showed me a broken oil can, which was positive proof against me, even then I didn't believe Golden had squealed," also that "If Golden knew I had killed a man he would not tell on me."

Cross-examined—I have received no promise of leniency in the case against me but was told that if I would tell the truth about this matter they would see that French and Golden did not shoulder the crime on me; Officer Brown, I think, told me that; he did not say I should go free on the charge of grand larceny for which I am committed.

The prosecution rested.

The defendant, French, expressed a desire that Golden be placed on the stand.

He testified: I knew French at the time of the burning of the Novelty theatre. I burned that theatre by contract, and Mr. Earl, he who just testified, was connected with it. At that time Earl robbed a house adjoining the theatre and turned a trunk crossways in the alleyway to keep people from entering, to which I objected. French had no connection with it. French was at the fire. I and Earl burned the building and we had had other proceedings previous.

Cross-examined—I got the oil can as testified.

Mr. Rogers—You say you burned the building by contract? With whom?

Golden—I don't think it necessary to implicate a third party in this case.

The court instructed him that it was his duty to answer, and asked him why he refused.

Golden—Well, your honor, when I undertake any contract I think it is my duty to keep our business to ourselves.

Court—That may apply in ordinary cases but not where it involves a contract for the burning of a house or to commit murder.

Golden—Well, it was a friend.

Roger—What was his name?

Golden—Well, I don't know his name.

R.—Never knew him by any name?

G.—Yes, he went at times by the name of Swipes.

R.—Who was Swipes?

G.—Well, he was an ordinary, every-day man.

R.—What business did he follow?

G.—I could not say exactly.

R.—How long had you known him?

G.—Possibly a year or six months.

Q.—How long had you been in Ogden prior to September last?

G.—I might have been here five months. I can't say for sure.

R.—Where did you first become acquainted with Swipes?

G.—In Ogden.

R.—What kind of a looking man was he? Did he look anything like French?

G.—No sir, he did not. I can't say anything as to his general appearance.

R.—Where did you first become acquainted with French?

G.—In Tombstone, Arizona. No, I'm mistaken. In Dublin, Ireland. I was making the tour of Europe at the time.

R.—You were making the tour of Europe at the time. Did you go to Russia?

G.—Yes, sir.

R.—While there, did you see some of the czar's educated fleas?

G.—Yes, sir. I rode some of them.

R.—Well, let us come down to serious matters and leave all joking aside. Where did you next see French?

G.—In Tombstone, Arizona.

R.—By what name was he known to you?

G.—By the same name—French.

He was then running a restaurant; I was doing nothing at the time; I saw him next in El Paso, Texas. He had an interest in a theatre there; I was not following my profession then; I am an architectural draftsman; from there we went to Albuquerque, Las Vegas and on to Chicago; while traveling I was doing no business; we remained there eighteen months; this was three or four years after meeting him at Dublin, I worked at my profession there; French is a stone mason, we then came to Colorado, first we struck Trail City from over the Kansas line and then on to Pueblo where we stayed a short time.

R.—Where did you go from Pueblo?

G.—I refuse to answer that question. I will not answer it on any ground; I refuse to say anything as to any question connected with Pueblo.

R.—Did you not leave Pueblo in charge of the officers for the Canon City, Col., state prison, where you stopped for about five years?

G.—How long?

R.—For about five years.

G.—Oh, no, not that long. French was not with me when I left Pueblo.

R.—Where did you go next that you care to mention?

G.—Well, I don't think it has any bearing on this case. If it did I would not care about answering your questions. I saw French last spring at Denver. He was at work in his profession. From there we came together to Ecco Park City and then to Ogden, where we have remained ever since except a few times that I went to Salt Lake. French went with me at one time to hunt up some relatives or friends of long standing. We stopped at the Walker house. I have not followed my profession here. I am not wealthy. I have stopped at the Family Hotel in this city and boarded at the Saddle Rock restaurant.

R.—Did you see French the night before you and Swipes burned the Novelty theatre?

G.—I did not say that Swipes and I burned the Novelty; I said that I and Earl did it, and we saw French that day.

R.—Is it not a fact that half an hour before the fire you and French were eating supper at the Union restaurant?

G.—No, sir!

R.—Is it not a fact that at that time while you were eating Maud Ballantyne, May Hall and a man named Malone and another man came in and saw you there?

G.—They say not, so I don't see how we could have been there.

R.—Answer my question.

G.—No, sir, it is not. It was about a quarter to 4 that I and Earl burned the theatre; I went to his room by appointment; I had the oil can; I had seen Earl two or three days previous and that evening. I first broached the subject of burning that evening, Earl's business was that of an agent for a second hand store; that was supposed to be his business; I think his real business was a thief; I agreed to give Earl \$50 to assist in burning; I have never given it to him because he has refused to accept it; I was to get \$150 from Swipes for the job; I have seen Swipes two or three times since, before my arrest; saw him once at the post-office; Swipes paid me the contract price before I did the work; I first told to Mr. Rogers at his office that Earl helped to burn it; didn't tell him that it was a lie; never told Sheriff Belnap that I and French burned the place; never in any conversation said that French had had anything to do with the burning.

Marshal Pratt was called by the prosecution. He testified: Last evening Golden told me in answer to my question as to whether he meant to say that French had nothing to do with the burning. "Why, no! French is the man who threw that oil can into the building."

Sheriff Belnap testified to a similar conversation at which Golden said that he and French were the only ones who had burned the Novelty. Never mentioned Earl as having anything to do with the burning.

Joseph Belnap testified to having been present at the conversation mentioned, and corroborated each word of the sheriff.

This ended the testimony and L. R. Rogers opened the case for the prosecution.

Major Bredon and Perkins presented the case for the defence and Mr. Evans closed for the prosecution.

The court charged the jury and they retired.

After an absence of about an hour they returned and announced defendant guilty of arson in the first degree.

Notice was given of a motion for a new trial, and it will be argued today.