

Project Number: 2023-001

Application Date: 7/26/2023

## CEMETERY HEADSTONE GRANT APPLICATION

### CITY OF DEADWOOD

108 Sherman Street

Deadwood, SD 57732

Tel: (605) 578-2082

Fax: (605) 578-2084

### APPLICANT INFORMATION:

Name:	<u>Charles M. Madler</u>
Address:	<u>23 Tom Ral</u>
City/State/Zip:	<u>Spearfish, SD 57783</u>
Phone Number:	<u>(406) 941-0886</u>
Email Address:	<u>cmmadler@gmail.com</u>

### BACKGROUND INFORMATION:

Deceased Name(s):	<u>Cephas J. Tuttle</u>		
Date of Death:	<u>05 Sept 1887</u>		
Cemetery:	<u>Mount Moriah Cemetery</u>		
Individual or Family Plot:	<u>Individual</u>		
Addition:	<u>      </u>	Section: <u>NPF</u>	Lot: <u>      </u> Plot: <u>111</u>

Individuals who would like to participate in the Cemetery Headstone Grant Program are required to fill out the application form attached to this document. Successful applications will be awarded a total sum of \$650.00 dollars that will enable them to purchase a 16 inch tall by 16 inch wide wedge shaped headstone that includes the deceased name, birth date and death date. Applicants are required to furnish photographs, family trees, and any other pertinent information that can be scanned in and placed on the City's IMS (Internet Mapping Server) program located at [www.deadwoodims.com](http://www.deadwoodims.com) or the City of Deadwood's webpage [www.cityofdeadwood.com](http://www.cityofdeadwood.com).

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***CITY OF DEADWOOD***  
**CEMETERY HEADSTONE GRANT APPLICATION**

**1. Personal Information:**

Nominee Name: Cephas J. Tuttle

Nickname(s): \_\_\_\_\_

Maiden Name (if applicable): \_\_\_\_\_

Date and Place of Birth: 1836 - Pownal, Cumberland, Maine

Date of Death: 05 Sept 1877

**2. Family Information:**

Mother's Name: Mary Tuttle

Date and Place of Birth: 1806 - Maine

Father's Name: True Tuttle

Date and Place of Birth: 1798 - Maine

Siblings: Herman B. Tuttle, True Tuttle

Spouses Name: Unknown

Marriage Date: Unknown Living or Deceased: Unknown

Children (Please list ALL Children): Unknown

**3. Education/Major Employment:**

Level: Unknown Name of School/Location: Unknown

Year Graduated: \_\_\_\_\_ Degree: \_\_\_\_\_

Dates: 1876-1877 Name/Location of Employer: Aurora Co., Deadwood, DT

Brief Description of Duties: Partial owner and manager of gold mine

**In addition to this above information, potential candidates will be required to furnish copies of photographs or paper documents relating to the nominee. This information will be submitted to the City of Deadwood.**

**OVERVIEW OF PROGRAM:**

Since 2006 the Deadwood Historic Preservation Commission has allocated funds for the installation of cemetery markers on unmarked graves within the historic city owned cemeteries of Deadwood. The purpose of this program is to assemble genealogical information on individual(s) and family(s) interred at Mt. Moriah Cemetery and St. Ambrose Catholic Cemetery. Applicants are required to furnish information which can be scanned in and placed on the City's IMS (Internet Mapping Server) program located at [www.deadwoodims.com](http://www.deadwoodims.com) or the City of Deadwood's webpage [www.cityofdeadwood.com](http://www.cityofdeadwood.com).

**STIPULATIONS OF THE HEADSTONE GRANT PROGRAM**

The program is designed for one name per cemetery monument. For any additional names, separate applications will need to be filled out and submitted separately to the Historic Preservation Office. Due to cost and significant amount of unmarked graves in the historic Deadwood cemeteries, burials which pre-date the year 1950 are eligible for the program. Nominations which post-date the year 1950 may be eligible under the review and recommendations of the Cemetery Committee.

**APPLICATION REQUIREMENTS:**

Individuals who would like to participate in the Cemetery Headstone Grant Program are required to fill out the Cemetery Headstone application and submit supporting documentation on the nominee in the form of:

1. Birth certificate and/or birth announcement, or relevant document
2. Death certificate and/or obituary or relevant document
3. Copies of census records pertaining to the nominee for the years 1870 to 1930
4. Copies of family history pertaining to the deceased
5. Family tree
6. Copies of photographs showing the nominee and/or family
7. Other relevant documents which will aide in the interpretation of the nominee

All submitted applications will be reviewed by the Cemetery Committee, a subcommittee of the Deadwood Historic Preservation Commission. Depending on the completeness of the application, placement of the monument will take two to six months from submission of the application. Successful applicants will receive a formal letter from the Deadwood Historic Preservation Office indicating the admission into the program.

**STONE REQUIREMENTS:**

Successful applications will be awarded one 16 inch tall by 16 inch wide wedge shaped headstone (See figure #1 for size). The inscription on the face of the monument will be limited to the following information:

- Deceased name ( first name, middle initial, last name)
- Birth year (four digit)
- Death year (four digit)

The vital information of the nominee will be a sunken letter laid out in Roman Type font (see figure #2 for font size and layout). Any additions or modifications to the aforementioned layout will be at the applicant's expense and may delay the progress of the grant.



J. Cephas Tuttle ( born 1836 - died 1877 ) was born in Pownal, Maine. He was the youngest of four children born into a farm family in Cumberland County, Maine. This information was obtained through Ancestry.com.<sup>1</sup> Nothing is known about his early life or when he came to Deadwood. No census records containing Cephas Tuttle were found after 1850.

J.C. Tuttle was one of the early prospectors into Deadwood. He was one of the managers and one-third owner of the Aurora Mine. Other known owners were Johnson (a manager on site), Dr. H.C. Tuttle (a brother residing in Maine), and the Hon. Geo. E. Spenser (a senator from Alabama). According to the November 22, 1878 edition of the Black Hills Daily Times "One of the richest and earliest discoveries was the Aurora Mine. It's average yield has been \$25 per ton."

Tuttle was shot over a dispute between the Aurora and Keets mines. The Keets claim adjoined the Aurora claim and the Keets Company tunneled into the Aurora mine. On September 5, 1877 forty armed men in interest of the Keets Company took possession of the tunnel. Cephas Tuttle warned the intruders that he was going to blow the tunnel to prevent further encroachment. He inserted a large amount of powder into the tunnel and blew the shaft.

Some of the men from the Keats mine had retreated to a cabin adjacent to the Aurora mine property. After the blast Tuttle went outside and was shot by man or men in a cabin on the Keats mine property. Tuttle's dying declaration was as follows: "I was greasing a wheel-barrow on Aurora mining ground when shot. I don't know where the shot came from that hit me. I was not resisting anyone. I had a revolver in my pocket but did not show any firearms . . ."<sup>2</sup> Cephas Tuttle died several hours later from his wounds.

Sheriff Bullock arrived after the shooting and arrested the men in the Keats mine cabin. Later Bullock and Cap Willard arrested other employees of the Keats mine. All men were arrested for the murder of Cephas Tuttle.<sup>3</sup> "After a long sensational trial the men were acquitted."<sup>4</sup>

The Keats Company (Black Hills Mining Company) and the Aurora Company was involved in a legal battle concerning the disputed shaft. After a lengthy grand larceny trial the court found in favor of the Aurora Company.<sup>5</sup>

The Aurora mine resumed operations in October of 1878.<sup>6</sup> However, the men who killed Cephas Tuttle were never brought to justice.

Cephas Tuttle is buried in an unmarked grave at Plot 111, North Potters Field. Mount Moriah Cemetery, Deadwood, SD.<sup>7</sup> The cemetery records his death date as November 1, 1878 but that does not agree with newspaper accounts.

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<sup>1</sup> Ancestry.com 1850 Census

<sup>2</sup> Black Hills Daily Times 5 Sep 1887

<sup>3</sup> Black Hills Daily Times 7 Sep 1887, 8 Sep 1887, 9 Sep 1887, 10 Sep 1887, 15 Sep 1887, 16 Sep 1887, 19 Sep 1887

<sup>4</sup> The Black Hills Trails by J. Brown & A.M. Willard (1924) pg 359-361

<sup>5</sup> Black Hills Daily Times 04 Jan 1878, 06 Jan 1878, 07 Jan 1878

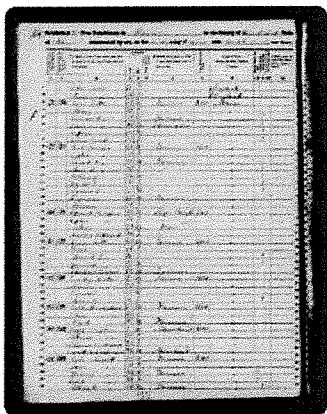
<sup>6</sup> Black Hills Daily Times 12 Oct 1878, 22 Nov 1878

<sup>7</sup> Mount Moriah Cemetery Location Map



# Cephas Tuttle

## 1850 United States Federal Census



Provided in association with National Archives  
and Records Administration

### Detail    Source

Name	Cephas Tuttle
Gender	Male
Race	White
Age	14
Birth Year	abt 1836
Birthplace	Maine
Home in 1850	Pownal, Cumberland, Maine, USA
Attended School	Yes
Line Number	7
Dwelling Number	178
Family Number	196

Household Members (Name)	Age
True Tuttle	52
Mary Tuttle	46
Heman B Tuttle	19
True Tuttle	24
<b>Cephas Tuttle</b>	<b>14</b>
Hellen Lovell	15





# The Black Hills Trails

A History of the Struggles of the Pioneers

in the

Winning of the Black Hills

By

Jesse Brown and A. M. Willard

Edited by John T. Milek

Rapid City Journal Company

Rapid City, South Dakota

1924

## AURORA MINE 1877

Henry Keets who was the owner of the mine known as the "Keets Mine" sold his interest out to a

mining company that in order to develop the mine had obtained permission from the Aurora Mine to run a tunnel through part of the mining grounds owned by the neighboring mine company. The tunnel ran through part of the ore streak of the Aurora Mine and it was not long before the men of the Keets Mine were accused of stealing ore of a high grade from the walls of the tunnel owned by the Keets mine. This stirred up a real fight and the Keets manager hired a bunch of fighting men who built a barricade near the tunnel. The Aurora men ordered the Keets men out of the works and Tuttle, one of the managers gave them a certain time in which to move out as he intended to blow up the tunnel. He accordingly prepared a blast and lowered it into the shaft of the tunnel and when the time was up fired off the charge. The ensuing blast had the desired effect but when Tuttle went down on the dump he was immediately shot and died that night. Johnson, another owner in the Aurora mine, was in a shack just above the dump and witnessed the shooting. He joined in the fray and made it so hot for the men they abandoned the barricade and ran for a log cabin nearby, in which Johnson continued to make them fight for their lives. Johnson escaped without injury although his shack was riddled with bullets. Sheriff Bullock and Captain Willard arrested the men who had fired upon and killed Tuttle but after a long sensational trial the men were acquitted.

The Keets mine was also connected with another serious difficulty that occurred in the fall of 1877. A man named Connelly, had a large contract in this mine but failed to pay his laborers. The miners took possession of the occasion, laid in a big supply of guns, ammunition and prepared for a siege. Warrants were placed in the hands of Sheriff Bullock but the men refused to surrender to him and stood him and his deputies off. Attempts were made to starve them out and smoke them out but they failed and the sheriff called upon the U. S. army at Fort Meade to come to his assistance. A detachment from

the U. S. 7th Cavalry under the command of Lieutenant Edgerly and Lieutenant Sickles responded and a line of guards was placed around the mine. Some of the men were called to the shaft for a parley and were informed by Lieutenant Edgerly that they must come out and surrender. After considerable argument the miners surrendered but they felt very bitter toward Sheriff Bullock for calling in the soldiers. The miners were placed under a light bond but later the matter was dropped. However, the men never received their pay as Connelly had gambled away all their hard earned money. Harry Goddard, who later became the editor of the Edgemont Express, was among the unfortunate miners.



## Latest by Telegraph

Reported for the Times by the Cheyenne and Black Hills Telegraph Company and the Associated Press.

### NEBRASKA.

#### CHAZY HORSE OUT AGAIN.

CAMP ROBINSON, Sept. 4.—Crazy Horse and a number of his lodges left this Agency last night, and the rest commenced leaving this morning. Six companies of cavalry and about two hundred and fifty friendly Indians left here at 9:30 this morning and succeeded in turning nearly all back. They expect to have them all back to-morrow. No fighting or casualties.

CAMP ROBINSON, Sept. 5.—Crazy Horse was captured at Spotted Tail last night.

### NEW YORK.

#### MATTERS POLITICALLY AND OTHERWISE.

NEW YORK, Sept. 4.—The Journal of Commerce heartily approving of President Hayes' civil reform policy, deprecates delay in dealing with what it considers naval officer Cornell's defiance. The Sun denounces a without warrant in constitution or laws the President's order to federal officers to withdraw from political conventions and machine management. The Newark Advertiser, whose editor is a personal friend of Supreme Judge Bradley, referring to Justice Field's recent impositions that Bradley's original opinion was against Hayes' title to the Presidency, says: "Judge Field during all that trial worked in the interest of Tilden with an unerring aim, and an entire disregard of the contents of the bench; he haggled and humped; he was indecent in his attempts; doubtless he got all sides of the argument. Every phase of constitutional law, every possibility of what might be a non-decision, was never in any moment pumped out of him that he found water. How did Judge Field know what to pump out, especially seventeen cartridges that night at Judge Bradley's door, and who were their occupants? Was that the proper function of Judge Field? Did he sit on the curbstone and see who came there? There was no political who so pertinacious and impudently followed Judge Bradley as Judge Field himself. Six months have passed since we have had any communication direct or indirect, spoken or written, with Judge Bradley upon this topic, and then his every word rang with purity of heart and honesty of purpose. At that time his waste basket was filled with letters threatening assassination, as cowardly and fiendish as man could write them. He was without personal motive in the fight. All that he cared for was the judicial routine. Can any person under heaven tell why Judge Bradley should have acted otherwise than as he did? He may be considered as controlled by bias of political opinion, in other words, by personal opinions of political motive and constitutional law. We grant that he was dealing with the law, and if he had no opinion he had no right to pronounce it. He did pronounce it, and he spoke in solemn certainty. The Advertiser is not Judge Bradley's organ. With him, as with others, we speak whereof we do know, and we do know that the Florida question was considered and held in doubt, and looked at in all its aspects as the critical problem of the controversy, and we are solemnly inclined to believe that Judge Field perjured that case with his learned brethren on the bench, with more zeal than he ever manifested in the present case. The Field family were supremely active just then—they are men of hopeful temperament—and it is possible that one Justice of the Supreme Court in trying to pump another, got slightly mistaken. If he did it was his own fault. His own conduct was unbecoming as Judge.

### TELEGRAPHIC BRIEFS.

Staiding Bear with fifteen lodges of Lone Deer's band, numbering about 50 persons, surrendered on the 4th inst. to Major Burke, of the 14th infantry, commanding Camp Sheridan. Past Bull with the remainder of the band, numbering between four and five hundred, will arrive in two or three days. These are the Indians that have been consulting the predictions in the vicinity of the Black Hills. The delegation sent out by Major Burke succeeded in inducing these Indians to return.

Night watchman Johnson last night arrested a man supposed to be named Clarke, who is accused of stealing a pair of boots and various other articles of small value. Johnson also succeeded in discovering the whereabouts of the stolen goods.

### Shooting of Mr. J. C. Tuttle.

About noon to-day, news was received here that a man had been shot in the Hidden Treasure gulch in consequence of the difficulties arising from the dispute to the title of the Keets mine. Immediately our reporter jumped one of Travis Bros. best horses and started for the scene of the affair, arriving there, he discovered that Mr. J. C. Tuttle was lying at the point of death, having been wounded by a bullet which passed through his body, entering in the lower portion of the back. The trouble, as nearly as we can ascertain, arose from the fact that last night about forty armed men in the interest of the Keets Company, took possession of the tunnel in the Aurora mine, which connects it with the Keets, and filled up a shaft on the Aurora ground. This morning Mr. Tuttle, who owns a one-third interest in the Aurora, warned the Keets' men that he was going to blow out the shaft, and inserted a giant powder for that purpose in this shaft, which is on Aurora ground, as claimed by the Keets men. After blowing it out he proceeded to a wheelbarrow also on Aurora ground, and in direct range with a port hole in the rear of the cabin occupied by the Keets' men. We are also informed that while Mr. Tuttle was at the shaft two men stepped out of the Keets' cabin and fired a number of shots, apparently at random, some of which, however, were returned from the Aurora cabin by an employee of that company.

With regard to the shooting of Tuttle, we give his dying declaration as follows: "I was growing a wheelbarrow on Aurora mining ground when shot. I don't know where the shot came from that hit me. I wasn't resisting any one. I had a revolver in my pocket but did not show any fire arms. I don't know how many shots were fired. I told one of the Keets' men that if he was badly off for shooting to get ahead and come out and I would help him alone. This was all that passed between me and the Keets' men. It was about fifteen minutes from the time of my telling the man to get a pistol before the shooting commenced.

One of the attorneys for the Aurora company arriving after the shaft was fired at Tuttle, pointed a piece of men to guard the cabin and mine occupied by the Keets' men, until the Sheriff arrived at which time the inmates surrendered, and were conducted to jail. The shot which struck Tuttle was fired, as we are reliably informed, from the port-hole in the rear of the Keets' cabin, without any previous warning having been given the victim.

The names of the prisoners under arrest are: Geo. H. Fullerton, J. S. Hubbard, Joe Maxwell, C. L. Torber, J. S. Goddard, E. C. Smith, and H. T. Pasin. One man who, it is alleged, was in the cabin before the shooting commenced, named J. C. Giverson, left before it was started, to act as a lookout, at least so it is claimed by the prisoners. This man has, at this writing, not yet been arrested. In the possession of the prisoners there were two needle guns, two Winchester rifles, one Sharp's rifle, and one double-barreled shot gun. Sheriff Bullock deserves great credit for his coolness, judgment and presence of mind he displayed at the time the arrest was made, when, to say the least, the situation had a critical appearance. We request that, in order to obtain a correct idea of these troubles, and before forming opinion, our readers will peruse the following contract, entered into August 15th, between the Aurora and Keets mining companies:

This agreement, made this sixteenth day of August, A. D. 1877, between Alvin W. Whitney and M. E. Post, for the Keets mining company, parties of the first part, and J. C. Tuttle, C. H. Detrick and Thomas T. Platt, for the Aurora mining company, parties of the second part, the said parties, respectively being the owners of the said mines, witnesseth that whereas difficulty has this day occurred regarding the question of possession of a certain portion of mining ground more particularly described as that certain piece of mining ground as defined by stakes on the surface of the ground claimed by the Aurora mining company, in Whitewood quartz mining district, county of Lawrence, Territory of Dakota, being the southern end of said Aurora claim. That for the purpose of settling the questions involved between the parties hereto, pending the action of a court of competent jurisdiction has been relating in and determining the question of title hereto between the said parties, that the parties of the first part, agree to refrain from working or extracting any ore from that portion of mining ground claimed and marked by stakes and monuments of said Aurora mining company, the lines of said Aurora company to be established by vertical measurements had underground from the surface lines of said Aurora claim. The ore that is now broken in the mine about and not to exceed ten hundred tons, to be removed by the parties of the first part. The parties of the first part agree to extend the tunnel now running across the Aurora claim, said tunnel is out of said Aurora ground, said tunnel not to exceed six and one-half feet in length by five feet six inches in the clear, and are to run out in running said tunnel, until said tunnel passes the line fixed by survey had herein as line of said Aurora claim, to be made, said Aurora mine, subject to control of parties of the second part. That said survey is had no additional ore to be broken in said Aurora claim except in so much as shall be necessary to run said tunnel above mentioned. That the parties of the first part agree not to interfere

with the parties of the second part in their sinking any shaft on said Aurora ground, such shafts not to interfere with the use and working of tracks in said tunnel through said ground claimed as said Aurora mine, the parties of the second part and their employees to have free ingress and exit by said tunnel to work in their said shafts, not obstructing in any way said track in said tunnel. The parties of the second part agree not to interfere with the parties of the first part in the use of the tunnel through their ground as aforesaid, and in sinking all shafts or in making any further or other improvements to or in doing any work in said Aurora mine, not to interfere with the parties of the first part in the use of the tunnel aforesaid, and to allow them full and unobstructed opportunity to remove all ores extracted by them outside of the lines aforesaid, ever on and upon the tracks and through the tunnel aforesaid. That the parties hereto expressly claim that there is no waiver had by virtue of this agreement of any of their respective rights in the premises, whether it relates to the title to any claim for damages done or suffered by either party or otherwise, and the parties hereto agree that they will in good faith carry out the terms of the above agreement.

Signed at Central City, Lawrence county, Territory of Dakota, the day and year first above written.  
ALVIN W. WHITNEY,  
ALVIN W. WHITNEY,  
Supt. Keets M. Co.  
E. C. HUBBARD,  
Atty for Keets Co.  
M. E. POST,  
CEPHAS TUTTLE,  
C. H. DETRICK,  
THOS. T. PLATT,  
By Geo. E. Spencer, Atty in fact.  
In presence of Wm. H. Clappett and E. C. DICKLEY.

Last evening a very large audience greeted the first opening of the Senate, at Central City, as a variety theatre. Joe Ludwig and Spencer are bound to make this resort one of the most sought after in the gulch, and we sincerely hope they will succeed.

Dispatches in telegraph office for Nathaniel Ward, H. Jewett and Octavia Reeves.

## The Place

Next door to Cheyenne Stage Office,  
MAIN STREET, DEADWOOD.  
WRIGHT & SIMPSON, PROPRIETORS.

The Bar is supplied with the choicest brands of Wines, Liquors, Cigars, St. Louis Beer, and all first-class articles in our line. Call and see for yourselves. sept-4

## Come and See!

If we have not the largest and best selected stock of

## BOOTS AND SHOES

EVER SHOWN IN THE BLACK HILLS.

Prices the lowest and goods warranted as represented. Just received, fifty cases for ladies' gaiters, misses' boys' and infants' wear. Miners' goods always on hand. Look out for the "Red Star" sign; we are there.

Len Flanders,  
Main-St., Deadwood, D. T.

## WHY

Is it that Stokes can't move into a larger store? Because he sells goods at so close a margin that his profits won't justify it. Call at his one-horse, green-fronted store and see his new goods. He didn't buy more than a steamboat load, but what he has is A 1, and cheaper than the cheapest.

SHERIFF'S SALE.  
Notice is hereby given that by virtue of an execution to me directed and delivered, and now in my hands, issued out of the Clerk's office of the First Judicial District Court, Territory of Dakota, in and for the county of Lawrence, in favor of M. A. Lawson and against John Scotland, I have levied upon the following property of the said John Scotland, defendant, to-wit: That certain house and lot situated on the corner of Lee and Main streets, Deadwood, D. T., and known as the General Oster House. Now, therefore, by virtue of said execution, I shall, on Friday, the fifth day of October, A. D. 1877, at the hour of 12 o'clock noon of said day, at the front door of the post office in the city of Deadwood, Lawrence county, D. T., proceed to sell said property to satisfy said judgment and costs, together with all accruing costs of said sale, at public auction, to the highest and best bidder for cash in hand.  
BETH BULLOCK,  
Sheriff Lawrence county, D. T.  
Filed Deadwood, Sept. 5, 1877.



## Latest by Telegraph

Reported for the Times by the Chicago and Black Hills Telegraph Company and the Associated Press.

### FOREIGN.

#### WAR NOTES.

**LONDON, Sept. 7.**—The battle of Kiziltepe, which resulted in the Russians being completely driven from their position at Kedarlar, cost the Turks 420 killed and 1,400 wounded. Kiziltepe Hill was attacked by two divisions under Ali Pasha and Mahmud Bey and they were both wounded. The Russians were outnumbered ten to one and the Turks have strongly entrenched the hill. A correspondent at Lovatz estimates the actual Russian attacking force at 22,000 with one division on the reserve, and that the capture was effected partly by surprise. Reports from Hubert Pasha to the Porte represent new fortifications of Sebastopol strong enough without the addition of torpedoes to destroy the finest fleet afloat.

### TELEGRAPHIC BRIEFS.

About 10 o'clock on the night of the 5th, the County Treasurer of Wapakoneta, Ohio, while on his way from the Catholic festival, was captured almost in the centre of the town, gagged, and carried down an alley and held prisoner till midnight, then taken to the court-house, and, after being subjected to the ordeal of fire, which was placed between his feet as he lay on the floor, was compelled to divulge the combination of the county safe, and some \$40,000 was taken therefrom. Mr. Myers, the treasurer, was discovered this morning in a helpless, suffering condition. He was the outgoing treasurer, and should have delivered up the office on the 1st of September but owing to some delay in the settlement of his accounts, was still in possession.

A freight train on the Cleveland & Pittsburgh railroad flew the track and ran down an embankment near Steubenville this afternoon. The person was killed and three badly injured.

The county buildings at Juncos, Dodge County, Wis., were burned yesterday and all the records destroyed.

The workingmen's party at Baltimore have nominated for mayor Joseph Thompson, a successful blacksmith and still plying his trade.

A dispatch from Wilkesbarre, Penn., speaking of the miners, says there is reason to believe the worst feature of communism will soon crop out, and the agricultural districts are beginning to feel the effect of lawless demands. Bands of so-called communists are scattered through the country and wherever their requests for provisions are denied, force is used, barns, orchards, stock yards and cellars are indiscriminately plundered, valuable cows killed and their hides left where they were slaughtered. Gov. Hartranft has determined to place a regiment of three months men in the destitute districts, to co-operate with the regulars.

Special trains this morning brought to Marietta, Ohio, one thousand people to the soldiers' reunion. The commandant of camp and the committee on arrangements took a special train at ten o'clock and met the Presidential party at Parkersburg, where they were taken aboard the train for Marietta. The Presidential party consisted of President Hayes, Gen. Key, Gen. Devens, Mrs. Hayes, Rutherford and Birdard Hayes. An immense concourse of citizens and visitors numbering fifteen or twenty thousand welcomed the party at the train. New York—Gold closed 103 3/8.

In an altercation this morning, between two colored women residing in Elizabethtown, Amanda Twine was cut with a pocket-knife in the hands of Amy Morris. The wounds are not at all serious. The difficulty arose from a man demanding his washing from one of the women, which was refused without the money, and the other woman (Twine) interfering, words and finally the cutting followed. No arrests.

Our local tenders his sincere thanks to Sheriff Bullock for the accommodations provided for reporters during the examination before Judge Barker in the Bella Union; furnished, too, voluntarily, without even a hint on the subject having been necessary, and this, in our experience, is a rare occurrence.

Tom Miller and — Woods will reopen the Bella Union theater on Saturday night with a new company, new acts, new songs, and everything novel, funny, rich, rare and racy.

#### Home.

Evans & Hornick's mule train arrived to-day and will leave for Pierre Saturday morning at 8 o'clock. Tickets to be had at Evans & Hornick's store, upper end of Main street.

The Homicide at the Keets Mine. Court convened pursuant to adjournment in the Bella Union theatre, at 10 o'clock a. m.

L. F. Babcock, Coroner for Lawrence county, being sworn, testified that he was acquainted with Cephas Tuttle; that he saw him in his cabin on Hidden Treasure gulch on September 5th, suffering from a gunshot wound; that also saw him after his death, which resulted from the wound.

Daniel Edwards was next called, but failed to answer to his name.

James K. Johnson, being sworn testified that he was acquainted with Cephas Tuttle before death; that he died on the Aurora claim in Hidden Treasure gulch, on the 5th of September; that the shot which caused his death was fired about 10 o'clock on the morning of the same day. The witness also stated that he was in Aurora cabin, but not in the employ of that company, on that morning with another man; that he saw some men in the cut to the tunnel to the Keets mine, also in the Keets cabin; that Tuttle went to the shaft on the Aurora, and hallooed down that he was going to blow the shot out, and did not want to hurt any of the inmates of the mine; that then three men stepped from the Keets cabin with rifles, and commenced shooting at Tuttle from behind some logs, firing about eight or twelve shots; that John Goddard and Isaac Hubbell were two of the men who fired shots, but that he could not swear to the third man; that he was about 125 feet from the logs behind which the shooters were, and the view between himself and them unobstructed; that the shaft by which Tuttle stood is on the Aurora ground, and the pile of logs is on the Keets; that he saw no other arms at that time except the rifles in the hands of the Keets men, and that Tuttle fired no shots; that he saw one shot fired from a port-hole in the Keets cabin, which caused Tuttle's death while he was fixing a wheelbarrow, about 120 feet from the Keets cabin, in a stooping posture, with his left side towards the port-hole; that about fifteen minutes elapsed between the first and last shooting; that J. E. Donahue was with him on this occasion.

On cross-examination, the witness testified that Cephas Tuttle lowered giant powder into the shaft and fired the fuse connected with the blast, after warning the men in the mine of his intention; that he understood there were some shots fired from Tuttle's cabin, but could not see any from his position; that he did not know who was in the chamber of the mine at the time Tuttle lowered the powder; that Tuttle said: "Down below! I don't want to hurt any of you in the mine, but I am going to blow out the bottom of the shaft you have blocked up!" that Pat. Donahue with me was not armed; that he did not see any one in Tuttle's cabin; that he only saw three armed men, and they near the Keets tunnel at this time.

Daniel Edwards having been sworn, testified that he was a resident of Hidden Treasure gulch. The witness also stated that on the 5th of September he was near the Hidden Treasure mine, about fifty feet from the Keets cabin; that he did not see the parties who fired from the cabin; that the first shot he saw was the fatal one, the other shots having been fired before he reached his point of observation; that he saw smoke issue from the port hole of the cabin when the shot was fired; that he did not see anyone leave the cabin after the shot was fired, although his view was unobstructed; that he a few moments after went down to the door of the Keets cabin; that he recognized Harlan as one man in the cabin; that he recognized Smith and Maxwell also as among the men who came out from the cabin under arrest; that he went to the cabin to see who was in there, and watched; that he did not see any armed men around; that he heard some shooting about fifteen minutes before the shot he saw. On cross examination the witness testified that he was aware that there had been a controversy regarding the claim, but he understood it had been settled by mutual agreement; that he did not know of his own knowledge of any controversy existing at the time of this difficulty, but that his partner did know of same.

On re-direct examination, witness testified he heard at the time of the shooting that some armed men had taken the Keets mine. Patrick Donahue having been sworn, testified that he knew Cephas Tuttle; that he saw Tuttle on the 5th Sept. go up to the shaft and warn men in the mine that he was going to blow out the shaft; that the witness had sunk the shaft for Tuttle; that he saw one man coming from the Keets cabin, with a rifle, and just after saw three men behind the logs near the Keets cabin, armed with rifles, who laid down and fired towards the shaft where Tuttle was; that he saw the muzzle of a gun pointed through the port-hole in the wall of the Keets cabin,

when the fatal shot was fired; that he saw one walk from the Keets cabin to the Keets tunnel; that when he saw the muzzle of the gun in the port-hole he remarked, "Here comes a Winchester," and at the same time saw smoke issue from it, and heard the report.

On cross examination, witness testified that J. K. Johnson called his attention to the coming of Mr. Tuttle before any trouble occurred; that Tuttle told the men in the Keets cabin that Whitney would have to pay for the shots in his cabin, also that he could not fight a whole army but would fight any one single handed if some one would come out to him; that he saw some shots fired from Tuttle's cabin at the time of the first shooting. On re-direct examination he explained that the Tuttle cabin, from which shots were fired, was the frame cabin a short distance up the gulch from the Keets cabin; that Tuttle was not in his cabin when the shots were fired; that the shots from Tuttle's cabin were fired some time after the first round from the Keets' men.

O. E. Nelson having been sworn testified that he worked for Tuttle in the first shaft above the Hidden Treasure mine; that Tuttle told him that he was going to take that old shaft which was his, and if they would not come out he would blow the bottom out of it; that he cut and capped two logs for Tuttle, who took about forty pounds of giant powder, which he lowered into the shaft, and hallooed to the men to get out of the way that he was going to take the shaft; that the men hallooed to Tuttle not to lower the powder or they would shoot him, to which he replied that they could shoot; that afterwards the shots were fired from behind the logs near the Keets cabin. The witness identified Hubbell and Goddard as two of the men who fired the shots from the logs; that some return shots were fired from the frame cabin; that four or five shots passed through the walls of the frame while the witness and Johnson were in the cabin; that Johnson fired the shots from the Tuttle cabin; that Tuttle was not in the cabin at the time; that the fatal shot was fired about fifteen minutes afterwards from the port-hole in the Keets cabin; that Tuttle fired no shots, but was armed with a six shooter which he carried in his pants' pocket; that he saw some armed men about 7 o'clock a. m., before Tuttle came up, one of whom told the witness to look out for himself because they were going to take the ground; that the man was near the Keets cabin at the time; that the port-hole was cut in the wall of the Keets cabin on the night previous to the day Tuttle was shot, and during the morning of that day men cut other chink holes.

Geo. W. Evans.

M. C. Tamm.

## BROWN & THUM, Bankers,

DEADWOOD, DAKOTA

Transact a General Banking Business

Issue Drafts available in all parts of the U. S. and Europe.

Money transferred by telegraph, advances made on crops and billions, and collections made.

Gold Dust Bought.

34 1/2

Come and See!

If we have not the largest and best selected stock of

## BOOTS AND SHOES

EVER SHOWN IN THE BLACK HILLS.

Prices the lowest and goods warranted as represented. Last received, fifty cases for ladies' gaiters, misses' boys' and infants' wear. Misses' goods always on hand. Look out for the "Red Star" sign; we are there.

Len Flanders,  
Main St., Deadwood, D. T.

That the men who fired from behind the logs went into the cabin; that when Sheriff Bullock took the men from the cabin he took Hubbell and Goddard with the others; that he picked Tuttle up after he was shot; that Tuttle's back was towards the Keets' cabin, and he was working on a wheel-barrow, kneeling on his knees.

Peter Johnson having been called, testified to substantially the same facts, so far as his knowledge allowed him, as the other witnesses.

Lilling having been sworn, testified that he was on the Fairview mine; that Hubbell fired the first shot, from behind the logs, at Mr. Tuttle; that he saw George Fullerton coming out of Keets' Tunnel apparently unarmed; that after the shooting, the three men ran into the Keets' cabin; that Hubbell's bullet struck within two feet of Mr. Tuttle; that afterwards Mr. Johnson returned the fire from Tuttle's cabin; that after Tuttle halloed, about fifteen or sixteen men came out from the mine; that the captain of the guard, who was apparently unarmed, left the tunnel and ran into the Keets cabin.

T. Warren having been sworn, testified that he was acquainted with Cephas Tuttle, and saw him on the 5th of September; that he saw Tuttle bring out a man with a pump handle, lower it into the mine and fired the shot; that the three men behind some logs near the mouth of Keets' tunnel, who opened fire on Tuttle; that Tuttle told them he could not fight a whole army, but would fight for his own life; that he saw the smoke and heard the report of the fatal shot issue from the port-hole; that he thought some other shots were fired, but he could not say, from his position, whether any more came; that he saw three armed men leave the tunnel and run into the cabin; that he recognized A. Chisholm as one of the three; that a short time after the shot was fired, A. Chisholm and another man went back into the tunnel; that he saw the other man come out on to the top of a blacksmith shop, near the Keets cabin, several times, with a six-shooter in his hand; that the Keets cabin had a port-hole in the wall which faced the Keets tunnel; that he saw the men were in the cabin in previous to that morning.

Cross examination elicited no new facts.

Coward Croft having been sworn, testified that he was on the Blairview mine on the morning of Sept. 5th; that he saw Tuttle walking towards his shaft with a box in his hand; that then shooting commenced from behind the logs near the Keets tunnel; that he recognized Hubbard as one of the men firing from the logs; that the fatal shot came from the direction of the Keets cabin; that he saw some men come to the Keets tunnel and run into the cabin when the shooting was done; that just previous to seeing the men come out he heard some men halloo, "Here comes the Captain of the guard," that he recognized Robert and Goddard as two of the men brought from the shaft by the Sibbritz.

Dr. A. M. Overman having been sworn, testified that he was called on to attend Tuttle after he was shot; that he found him suffering from a bullet wound, which had passed through the body, entering at the lower portion of the back; that he had the bullet which was extracted from his body, that it weighed 3 1/2 dwts; that Mr. Tuttle's death was caused by the wound.

H. C. Rohleder having been sworn, testified he was an engineer and surveyor; that he was acquainted with the Kootz mine, also the Aurora, and tunnel; that he had yesterday made a sketch of the ground in the vicinity of these mines; that he had before then made an accurate survey of this ground; that he had made the sketch on the ground yesterday from personal observation. This sketch was then introduced as evidence.

On cross examination he testified that he had made a survey of the ground last spring for the Aurora company; that he knew where the discovery stake of the Aurora mine was located through that survey; that he had also made a survey of a portion of this ground for Mr. Keets, that he had also surveyed all around that vicinity.

Frank Warren recalled, testified that he could of his own knowledge locate the different points located on the diagram, but his evidence regarding this diagram was ruled non-admissible, because he had made the diagram himself.

Alfred Mahler was recalled, but Mr. McLaughlin, one of the counsel for the defense, very strongly objected to the witnesses being sworn, on the ground that the witnesses had not been sworn until after all the witnesses for the defense had been examined, and that by recalling Frank Warren, the prosecution was giving him the right to place his evidence on the stand after considerable argument and cross fire from both sides. Mr. McLaughlin withdrew the objection.

Alfred Mahler having been sworn, the witness was asked by Mr. Mahler, "Did you measure pulp, Lawrence County, D. T., for the past fifteen months; that he had heard shots fired on the morning of the 13th of September; that he saw several men in the morning of the 13th of September, that he saw about six or more men in the vicinity of the scene of action; that he saw one man come out of the tunnel and go towards, and witness saw him go towards the tunnel, a mile and a half before the fatal shot was fired."

On cross examination, witness testified that he saw a number of men behind some brush about fifty or seventy-five feet from the Keet cabin.

### Personal

J. F. Gilmer, one of the proprietors of the Cheyenne and Black Hills Stage line, arrived in the city last evening in company with E. Patrick, the Division Agent for that line. Mr. Gilmer has just returned from Salt Lake.

### Principal Hotel Arrivals.

[illegible]

## Local Notices

**Palace Restaurant**—**Elmer street**—  
Serves each day all kinds of meat,  
Lyster soup, the best in the land,  
Venison, looking like and Brown;  
Mutton, veal and ribs of beef;  
Best food in the land, you believe,  
Full of mutton, boiled with capers;  
Ham enough for all your neighbors;  
Corn to feed the whole of them;  
Fillets of beef—a glorious dish;  
Pineapple fritters, lamb chops fried,  
Breakfast of the best in the land;  
Veal pot-pie, cassia suppers; cream,  
Potatoes boiled, mashed, stewed with  
Concessions of the best in the land;  
Chickens, too, with lots of greens;  
Relishes of every brand;  
Ries of all kinds in the land;  
Puddings, cake—and all things nice,  
Tea, coffee, and talk on ice;  
**Palace Bar**,—**Elmer street**—  
You'll find the only place to dine.

"Charley's Place," on Main street, second door above Lee, is a pleasant resort for the weary. The best of everything at the bar. p-66

Key West and imported cigars just received at Hughes & McNary's, Lee St  
Vanity fair cigarettes, books, smoking acco, great variety. HUGHES & McNARY.

A splendid assortment of silks just received at Wertheimer's. 4-5

Embroideries and flannel underwear  
as received at Wertheimer's. 43

**Lumber! Lumber!**  
Much has been said of late about  
rice, etc. of lumber. We have purchas-  
ed a saw-mill and can, and will sell and  
deliver lumber cheaper than any other  
mill in the country. Now is your time  
to build, as an investigation will prove.  
All orders filled promptly and satisfac-  
tion guaranteed or no sale. Inquire of  
**INGRAM & MACLAY,**  
at Star & Bellocks.

The popular route East is via the Chicago, Burlington & Quincy Railroad. Through tickets to Chicago and all points East can be purchased at the Cheyenne & Black Hills Stage Co.'s office, Deadwood, S. D. Tickets cheap as by any route.

**Ladies!**  
The latest novelties in suits and cloaks  
are just received at Wertheimer's, and  
will be sold at reasonable prices. Call  
and convince yourself. 4-5

**Card.**

Owing to the severe sickness of my wife and little boy, I have not been able to attend to my business for the past ten days, but they are so far recovered that can now be found at work as usual.

W. T. ROATH, Watchmaker.

**Millinery.**  
Mrs. Smith has received from the east the finest stock of millinery, with the latest Parisian styles direct from Paris, that has ever come to the Hills. The ladies are requested to call and examine for themselves. 8-3c

## THE HOMICIDE AT THE KEETS MINE.

Continuation of the Testimony of R. E. Nelson, in Justice Barker's Court Yesterday.

That the men who fired from behind the logs went into the cabin; that when Sheriff Bollock took the men from the cabin he took Hubbell and Goddard with the others; that he picked Tuttle up after he was shot; that Tuttle's back was towards the Keets' cabin, and he was working on a wheel-barrow, kneeling on his knees.

On cross examination, the witness stated that the men Whitey had hired were in the mine, and that after Tuttle told them to come out a number of men came out; the bottom of the shaft had been blocked up; that he, the witness, stood within twenty-five feet of the shaft, when the explosion took place; that Goddard and Hubbell were the men who told Tuttle if he lowered the powder they would shoot, and Tuttle said "If any of you s---b--- want a fight and will come out I will give you one, I can't fight an army;" that about four or five shots were fired from Tuttle's cabin; that only one man, Cornelius Johnson, was shooting from Tuttle's cabin; that there were about eight or ten shots fired from Keets' before Johnson shot, these were fired towards Mr. Tuttle; that the powder Tuttle took was all the powder in the house.

Peter Johnson having been called, testified to substantially the same facts, so far as his knowledge allowed him, as the other witnesses.

John Lillig having been sworn, testified that he worked on the Fairview mine; that Hubbell fired the first shot, from behind the logs, at Mr. Tuttle; that he saw George Fullerton coming out of Keets' Tunnel apparently unarmed; that after the shooting the three men ran into the Keets' cabin; that Hubbell's bullet struck within two feet of Mr. Tuttle; that afterwards Mr. Johnson returned the fire from Tuttle's cabin; that after Tuttle hallowed, about fifteen or sixteen men came out from the mine; that the captain of the guard, who was apparently unarmed, left the tunnel and ran into the Keets' cabin.

T. Warren having been sworn, testified that he was acquainted with Cephas Tuttle, and saw him on the 5th of September; that he saw Tuttle bring out a box with giant powder, lower it into the mine and fired the blast; that he saw three men behind some logs near the mouth of Keets' tunnel, who opened fire on Tuttle; that Tuttle told them he could not fight a whole army, but would fight the crowd one at a time; that he saw smoke and heard the report of the fatal shot issue from the port-hole; that he thought some other shot were fired, but he could not say, from his position where the shots came from; that he saw three armed men leave the Keets' tunnel, and run into the cabin; that he recognized A. Chisholm as one of the three; that a short time after the shot was fired, A. Chisholm and another man went back into the tunnel; that one man, E. S. Smith, came out on to the top of a blacksmith shop, near the Keets' cabin, several times, with a six-shooter in his hand; that the Keets' cabin had a port-hole in the wall which faced the Keets' tunnel; that he had never seen any port-hole in the cabin previous to that morning.

Cross examination elicited no new facts.

Coward Croff having been sworn, testified that he was on the Fairview mine on the morning of Sept. 5th; that he saw Tuttle walking towards his shaft with a box in his hand; that the shooting commenced from behind the logs near the Keets' tunnel; that he recognized Hubbell as one of the men entrenched behind the logs; that the fatal shot came from the direction of the Keets' cabin; that he saw some men come to the Keets' tunnel and run into the cabin when the shooting was done; that just previous to seeing the men come out he heard some man hallow, "Here comes the Captain of the guard;" that he recognized Hubbell and Goddard as two of the men brought from the shanty by the Sheriff.

Dr. A. M. Overman having been sworn, testified that he was called on to attend Tuttle after he was shot; that he found him suffering from a bullet wound, which had passed through the body, entering at the lower portion of the back; that he had the bullet which was extracted from his body; that it weighed 34 dwts; that Mr. Tuttle's death was caused by the wound.

H. C. Rohleder having been sworn, testified he was an engineer and surveyor; that he was acquainted with the Keets' mine, also the Aurora, and tunnel; that he had yesterday made a sketch of the ground in the vicinity of these mines; that he had before then made an accurate survey of this ground; that he had made the sketch on the ground yesterday from personal observation. This sketch was then introduced as evidence.

On cross examination he testified that he had made a survey of the ground last spring for the Aurora company; that he knew where the discovery strike of the Aurora mine was located through that survey; that he had also made a survey of a portion of this ground for Mr. Keets, that he had also surveyed all around that vicinity.

Frank Warren recalled, testified that he could of his own knowledge locate the different points located on the diagram, but his evidence regarding this diagram was ruled non-admissible, because he had made the diagram himself.

Alfred Mahler was recalled, but Mr. McLaughlin, one of the counsel for the defense, very strongly objected to the witness being sworn, on the ground that the prosecution had no right to recall a witness until after all the witnesses for that side had been examined, and that by recalling Frank Warren, the prosecution had lost the right to place any more witnesses on the stand. After considerable argument and cross fire from both sides, Mr. McLaughlin withdrew the objection.

Alfred Mahler having been sworn, testified that he resided in Hidden Treasure gulch, Lawrence county, D. T., for the past fifteen months; that he had heard shots fired on the morning of the 5th of September; that he saw armed men lying behind some logs near the Keets' cabin, that he saw about six or more men in the vicinity of the scene of action; that he saw one man come out of the tunnel and go towards, and witness thinks into the Keets' cabin, about a minute before the fatal shot was fired.

On cross examination, witness testified that he saw a number of men behind some brush about fifty or seventy-five feet from the Keets' cabin.

(Continued on first page.)

### Personal.

J. F. Gilmer, one of the proprietors of the Cheyenne and Black Hills Stage Line, arrived in the city last evening in company with E. Patrick, the Division Agent for that line. Mr. Gilmer has just returned from Salt Lake.

### Principal Hotel Arrivals.

**St. Louis House.**—J. E. Bradley, John McElhenny, W. A. Robertson, Nebraska; Wm. P. Leitch, Blackfoot.  
**Laurel House.**—Edward Quinn, Belle Fourche; Chas. Sylvester, Castle Creek; L. King, and wife, Salt Lake; J. L. Hill, Spearfish; Hudson La Moore, Cheyenne; Chas. Grady, Detroit; R. F. Patten, Ohio; J. W. Lytle, R. F. Stout, Omaha; F. Welch, Sidney; J. Lancaster, Chicago; T. Agno, Montana; L. E. Capellier, J. Douglas, Denver; T. Graham, Wm. Capeland, Central; J. Edgar, Jackson; H. E. Smithson, St. Louis.  
**Hotel House.**—A. L. Lodge, Cheyenne; S. E. Child, John Flaherty, Gayville; Wm. Lowder, Golden Gate; M. Sheridan, Cheyenne; Wm. N. Baker, St. Louis; P. F. Blair, Ralph A. Hayes, Surveying Party; Joseph Logan, Tom Marston, Central City; Lee Linnick, South Bend; F. B. Leslie, Grand Rapids; A. J. Allison, Wyoming.  
**Grand Central.**—A. W. Marshall, Yankton; Geo. A. Burns, R. H. Williams, Ed. Rodda, John Rodda, Central City; J. T. Gilmer, Ralph Fieldberg, Salt Lake; J. Patrick, Fort Laramie; Alfred Mahler, J. J. Silley, J. H. Shackett, Fair View Mine; Hugh Fulton, Rapid City.

### Local Notices.

**Palace Restaurant**—Sherman street—Serves each day all kinds of meat, Oyster soup, the best in town. Venison, looking nice and brown; Mutton, veal and ribs of beef. Beef tongue with sauce—past belief. Leg of mutton, boiled with capers; Ham enough for all your neighbors; Corn beef—fat and rich; Fillets of beef—so glorious dish; Pineapple fritter, lamb chops fried, Breast of veal, that must be tried. Veal pot-pie, chicken soup; Cream, Potatoes, boiled, mashed, stewed with tomatoes, trinity and string beans; Chickens, too, with lots of greens; Relishes of every brand; Pies of all kinds in the land; Puddings, cakes and all things nice. Tea, coffee, and milk on ice. Palace Restaurant, kept by Stein. You'll find the only place to dine.

"Charley's Place," on Main street, second door above Lee, is a pleasant resort for the weary. The best of everything at the bar. a-64

Key West and imported cigars just received at Hughes & McNary's, Lee St. Vanity fair cigarettes, books, smoking tobacco, great variety. HUGHES & McNARY. 22-1

A splendid assortment of silks just received at Wertheimer's. 4-5

Embroideries and flannel underwear just received at Wertheimer's. 4-5

**Lumber! Lumber!** Much has been said of late about price, etc. of lumber. We have purchased a saw-mill and can, and will sell and deliver lumber cheaper than any other mill in the country. Now is your time to build, as an investigation will prove. All orders filled promptly and satisfaction guaranteed or no sale. Inquire of INGRAM & MACLAY, at Star & Bollocks.

The popular route East is via the Chicago, Burlington & Quincy Railroad. Through tickets to Chicago and all points East can be purchased at the Cheyenne & Black Hills Stage Co.'s office, Deadwood, D. T. Tickets cheap as by any route.

### Ladies!

The latest novelties in suits and cloaks are just received at Wertheimer's, and will be sold at reasonable prices. Call and convince yourselves. 4-5

### Card.

Owing to the severe sickness of my wife and little boy, I have not been able to attend to my business for the past ten days, but they are so far recovered that I can now be found at work as usual.

W. T. ROATH, Watchmaker.

### Millinery.

Mrs. Smith has received from the east the finest stock of millinery, with the latest Parisian styles direct from Paris, that has ever come to the Hills. The ladies are requested to call and examine for themselves. 8-3t

## Latest by Telegraph

Reported for the Times by the Chicago and Black Hills Telegraph Company and the Associated Press.

### FOREIGN.

#### WAR NOTES.

LONDON, Sept. 7.—The battle of Kiziltepe, which resulted in the Russians being completely driven from their position at Kiziltepe, cost the Turks 430 killed and 1,400 wounded. Kiziltepe Hill was attacked by two divisions under Ali Pasha and Mehomed Bey and they were both wounded. The Russians were outnumbered ten to one and the Turks have strongly entrenched the hill. A correspondent at Lovatz estimates the actual Russian attacking force at 22,000 with one division on the reserve, and that the capture was effected partly by surprise. Reports from Hubert Pasha to the Porte represent new fortifications of Sebastopol strong enough without the addition of torpedoes to destroy the finest fleet afloat.

### TELEGRAPHIC BRIEFS.

About 10 o'clock on the night of the 5th, the County Treasurer of Wapakoneta, Ohio, while on his way from the Catholic festival, was captured almost in the centre of the town, gagged, and carried down an alley and held prisoner till midnight, then taken to the court-house, and, after being subjected to the ordeal of fire, which was placed between his feet as he lay on the floor, was compelled to divulge the combination of the county safe, and some \$40,000 was taken therefrom. Mr. Meyer, the treasurer, was discovered this morning in a helpless, suffering condition. He was the outgoing treasurer, and should have delivered up the office on the 1st of September but owing to some delay in the settlement of his accounts, was still in possession.

A freight train on the Cleveland & Pittsburg railroad flew the track and ran down an embankment near Steubenville this afternoon. One person was killed and three badly injured.

The county buildings at Juncos, Dodge County, Wis., were burned yesterday and all the records destroyed.

The workingmen's party at Baltimore have nominated for mayor Joseph Thompson, a successful blacksmith and still plying his trade.

A dispatch from Wilkesbarre, Penn., speaking of the miners, says there is reason to believe the worst feature of communism will soon crop out, and the agricultural districts are beginning to feel the effect of lawless demands. Bands of so-called communists are scattered through the country and wherever their requests for provisions are denied, force is used, barns, orchards, stock yards and cellars are indiscriminately plundered, valuable cows killed and their hides left where they were slaughtered. Gov. Hartranft has determined to place a regiment of three months' men in the destitute districts, to co-operate with the regulars.

Special trains this morning brought to Marietta, Ohio, one thousand people to the soldiers' re-union. The commandant of camp and the committee on arrangements took a special train at ten o'clock and met the Presidential party at Parkersburg, where they were taken aboard the train for Marietta. The Presidential party consisted of President Hayes, Gen. Key, Gen. Devens, Mrs. Hayes, Rutherford and Birchard Hayes. An immense concourse of citizens and visitors numbering fifteen or twenty thousand welcomed the party at the train.

New York—Gold closed 103 3/8.

In an altercation this morning, between two colored women residing in Elizabethtown, Amanda Twine was cut with a pocket-knife in the hands of Amy Morris. The wounds are not at all serious. The difficulty arose from a man demanding his washing from one of the women, which was refused without the money, and the other woman (Twine) interfering, words and finally the cutting followed. No arrests.

Our local tenders his sincere thanks to Sheriff Ballock for the accommodations provided for reporters during the examination before Judge Barker in the Bella Union; furnished, too, voluntarily, without even a hint on the subject having been necessary, and this, in our experience, is a rare occurrence.

Tom Miller and Woods will reopen the Bella Union theater on Saturday night with a new company, new acts, new songs, and everything novel, funny, rich, rare and racy.

#### HOME.

Evans & Hornick's main train arrived to-day and will leave for Pierre Saturday morning at 8 o'clock. Tickets to be had at Evans & Hornick's store, upper end of Main street.

### The Homicide at the Keets Mine.

Court convened pursuant to adjournment in the Bella Union theatre, at 10 o'clock a. m.

L. F. Babcock, Coroner for Lawrence county, being sworn, testified that he was acquainted with Cephas Tuttle; that he saw him in his cabin on Hidden Treasure gulch on September 5th, suffering from a gunshot wound; that also saw him after his death, which resulted from the wound.

Daniel Edwards was next called, but failed to answer to his name.

James K. Johnson, being sworn testified that he was acquainted with Cephas Tuttle before death; that he died on the Aurora claim, in Hidden Treasure gulch, on the 5th of September; that the shot which caused his death was fired about 10 o'clock on the morning of the same day. The witness also stated that he was in Aurora cabin, but not in the employ of that company, on that morning with another man; that he saw some men in the cut to the tunnel to the Keets mine, also in the Keets cabin; that Tuttle went to the shaft on the Aurora, and hauled down that he was going to blow the shaft out, and did not want to hurt any of the inmates of the mine; that then three men stepped from the Keets cabin with rifles, and commenced shooting at Tuttle from behind some logs, firing about eight or twelve shots; that John Goddard and Isaac Hubbell were two of the men who fired shots, but that he could not swear to the third man; that he was about 125 feet from the logs behind which the shooters were, and the view between himself and them unobstructed; that the shaft by which Tuttle stood is on the Aurora ground, and the pile of logs is on the Keets; that he saw on other arms at that time except the rifles in the hands of the Keets men, and that Tuttle fired no shots; that he saw one shot fired from a port-hole in the Keets cabin, which caused Tuttle's death while he was fixing a wheelbarrow, about 120 feet from the Keets cabin, in a stooping posture, with his left side towards the port-hole; that about fifteen minutes elapsed between the first and last shooting; that Pat. Donahue was with him at this occasion.

On cross-examination, the witness testified that Cephas Tuttle lowered giant powder into the shaft and fired the fuse connected with the blast after warning the men in the mine of his intention; that he interrupted there were some shots fired from Tuttle's cabin, but could not see any from his position; that he did not know who was in the chamber of the mine at the time Tuttle lowered the powder; that Tuttle said: "Down below I don't want to hurt any of you in the mine, but I am going to blow out the bottom of the shaft you have blocked up;" that Pat. Donahue with me was not armed; that he did not see any one in Tuttle's cabin; that he only saw three armed men, and they near the Keets tunnel at this time.

Daniel Edwards having been sworn, testified that he was a resident of Hidden Treasure gulch. The witness also stated that on the 5th of September he was near the Hidden Treasure mine, about fifty feet from the Keets cabin; that he did not see the parties who fired from the cabin; that the first shot he saw was the fatal one, the other shots having been fired before he reached his point of observation; that he saw smoke issue from the port hole of the cabin when the shot was fired; that he did not see anyone leave the cabin after the shot was fired, although his view was unobstructed; that he a few moments after went down to the door of the Keets cabin; that he recognized Harlan as one man in the cabin; that he recognized Smith and Maxwell also as among the men who came out from the cabin under arrest; that he went to the cabin to see who was in there, and watched; that he did not see any armed men around; that he heard some shooting about fifteen minutes before the shot, he saw. On cross examination the witness testified that he was aware that there had been a controversy regarding the claim, but he understood it had been settled by mutual agreement; that he did not know of his own knowledge of any controversy existing at the time of this difficulty, but that his partner did know of same.

On re-direct examination, witness testified he heard at the time of the shooting that some armed men had taken the Keets mine.

Patrick Donahue having been sworn, testified that he knew Cephas Tuttle; that he saw Tuttle on the 5th Sept. go up to the shaft and warn men in the mine that he was going to blow out the shaft; that the witness had seen the shaft for Tuttle; that he saw one man coming from the Keets cabin with a rifle, and just after saw three men behind the logs near the Keets cabin, armed with rifles, who had come and fired towards the shaft where Tuttle was; that he saw the muzzle of a gun pointed through the port-hole in the wall of the Keets cabin,

when the fatal shot was fired; that he saw one walk from the Keets cabin to the Keets tunnel; that when he saw the muzzle of the gun in the port-hole he remarked, "Here comes a Winchester;" and at the same time saw smoke issue from it, and heard the report.

On cross examination, witness testified that J. K. Johnson called his attention to the coming of Mr. Tuttle before any trouble occurred; that Tuttle told the men in the Keets cabin that Whitney would have to pay for the shots in his cabin, also that he could not fight a whole army but would fight any one single handed if some one would come out to him; that he saw some shots fired from Tuttle's cabin at the time of the first shooting. On re-direct examination he explained that the Tuttle cabin, from which shots were fired, was the frame cabin a short distance up the gulch from the Keets cabin; that Tuttle was not in his cabin when the shots were fired; that the shots from Tuttle's cabin were fired some time after the first round from the Keets' men.

O. E. Nelson having been sworn testified that he worked for Tuttle in the first shaft above the Hidden Treasure mine; that Tuttle told him that he was going to take that old shaft which was his, and if they would not come out he would blow the bottom out of it; that he cut and capped two fuse for Tuttle, who took about forty pounds of giant powder, which he lowered into the shaft, and hauled to the men to get out of the way that he was going to take the shaft; that the men hauled to Tuttle not to lower the powder or they would shoot him, to which he replied that they could shoot; that afterwards the shots were fired from behind the logs near the Keets cabin. The witness identified Hubbell and Goddard as two of the men who fired the shots from the logs; that some return shots were fired from the frame cabin; that four or five shots passed through the walls of the frame while the witness and Johnson were in the cabin; that Johnson fired the shots from the Tuttle cabin; that Tuttle was not in the cabin at the time; that the fatal shot was fired about fifteen minutes afterwards from the port-hole in the Keets cabin; that Tuttle fired no shots, but was armed with a six shooter which he carried in his pants pocket; that he saw some armed men about 7 o'clock a. m., before Tuttle came up, one of whom told the witness to look out for himself because they were going to take the ground; that the man was near the Keets cabin at the time; that the port-hole was cut in the wall of the Keets cabin on the night previous to the day Tuttle was shot, and during the morning of that day men cut other chink holes.

Geo. W. Dawes.

M. C. Tamm.

## BROWN & THUM, Bankers,

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Transact a General Banking Business

Issue Drafts available in all parts of the U. S. and Europe.

Money transferred by telegraph, advances made on notes and bullion, and collections made.

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34-c

## Come and See!

If we have not the largest and best selected stock of

## BOOTS AND SHOES

NEVER SHOWN IN THE BLACK HILLS.

Prices the lowest and goods warranted as represented. Just received, fifty cases for ladies' gaiters, mittens, boys' and infants' wear. Mittens who had always on hand. Look out for the "Red Star" sign; we are there.

Len Flanders,  
Main St., Deadwood, D. T.



(From Thursday's Daily.)  
**THE BULLET AGAIN.**

Again we are called upon to chronicle the death by violence of a fellow citizen, who, in the discharge of his God given rights, viz: protecting his own (and that not by violence) was shot down like a dog. We refer to the shooting of J. C. Tuttle, one of the owners of the Aurora mine, a full account of which was published in the Times of the 5th. It appears that the difficulty between the two companies, the Keets and Aurora, about the middle of last month was compromised by a contract or an agreement between the two companies, said contract signed by owners and attorneys, for both companies, contract published 5th, and on what we can learn, the owners of the Keets, with the assistance of about four armed men, on the night of the 4th of September took forcible possession and placed obstructions in the shaft of the Aurora contrary to agreements as set forth in contract, and the owners of the Aurora, upon learning of the violation of said agreement, proceeded to clear the shaft of their own property by means of gun powder, first giving sufficient warning to the occupants of shafts and tunnels of their intention. There are many versions of this affair, but from all we can gather this is in substance correct. That the Aurora people in any way violated their part of the contract does not appear, but that there was a violation is certain. It does seem strange that men, supposed to possess good common sense, after entering into an agreement and giving their word of honor by the signing of the agreement, should so far forget their manhood as to violate this, and compel the resorting of violence to protect rights. This we apply to both parties guilty of this violation.

It is argued that such deeds of violence tend to injure our country and retard the development of mines and deter capitalists from making investments here, all of which is certainly correct, but what are the owners of these two mines for that? They are each of them well aware that their respective mines are rich, that they possess sufficient to satisfy their wants, and what do they care for the balance of the country. It is claimed that the "Keets" company have taken from the ground of the Aurora company within the past two months and converted to their own use, something in the neighborhood of one hundred thousand dollars worth of valuable ore, all the property of the Aurora company, or at least upon ground claimed to be owned by them. Of this we have no knowledge, only giving it as a report being circulated, but we do know that the Keets company have, during the past two months, been straining every nerve to get out and mill as much ore as was possible to do, and the results have been to them satisfactory. We are not the possessor of a single dollar in either company, hence not interested, but we would very much like to see the amicable settlement of this matter at an early day.

**Coroner's Inquest on the Remains of J. C. Tuttle.**

At the Coroner's inquest held by Dr. F. Babcock, Coroner for Lawrence county, D. T., this morning, in the cabin owned by the late J. C. Tuttle in partnership with the other owners of the Aurora mine, the following evidence was testified to:

James K. Johnson testified that he first saw a number of shots fired at the Aurora cabin, after this an interim of about fifteen minutes, during which there was no firing. He also stated that when he saw Mr. Tuttle walk from the shaft on the Aurora mining ground to a shed where, he (Tuttle) apparently, was usually engaged in rearing; that then he heard one single shot, and saw the smoke of a gun issue from a port hole in the rear of the Keets' cabin, also saw Mr. Tuttle fall, after which he saw the body carried into the Aurora cabin. So far as who fired the shot, Mr. Johnson testified to being unable to say, because the Keets' cabin wall obstructed his vision. Mac James and Henry Hines also swore to evidence corroborative of Johnson's.

Dr. Owen testified that Mr. Tuttle came to his death by a gun shot wound through the bowels.

The jury returned the following verdict: "That J. C. Tuttle came to his death by a gunshot wound fired by parties in a cabin unknown to the jury."

C. E. KIMBALL,  
H. S. TOWNSEND,  
H. FRIEND.

We are pleased to notice that a large number of brick chimneys are being built in town.

**Circular to the Farmers, Manufacturers and Miners of Dakota Territory.**

YANKTON, Aug. 30, 1877.  
In accordance with the invitation of Mr. Lee Crandall, who has charge of the Permanent National Bureau of Immigration, which has been established in Machinery Hall, Fairmount Park, Philadelphia, and whose Circular is hereto attached, it has been determined by the Governor of the Territory, the Agricultural Society of the Territory having expressed a willingness to co-operate with him, to load a car at Yankton immediately after the close of our Territorial Fair—say October 6th, with the products of the farms, mines, and manufactures of the Territory, to be forwarded to the said National Bureau of Immigration for exhibition.

Arrangements have already been made to have the car taken through from Yankton to Philadelphia free of charge.

In the absence of a Commissioner of Immigration for the Territory, it is believed by many of our most intelligent citizens that such an exhibition of our products will be of incalculable benefit and the people of every organized county in the Territory are requested to contribute articles for that purpose. We want wheat, oats, barley, rye, flax, etc. in the sheaf and in sacks, and corn shelled, in sacks, in the ear and on the stalk. Also potatoes, squash, turnips, pumpkins, beans, onions, peas, beets, cheese, butter and all other products of the Farm and Dairy. Also manufactured articles of all kinds; and we especially desire liberal contributions of mineral specimens.

Each article should be carefully marked with the name of the donor, where grown, where from, where manufactured, etc. If our friends in the Black Hills will make liberal contributions from their mines of gold and silver quartz, and specimens of their placer mines, etc., special pains will be taken to see that they are exhibited to every possible advantage, and the value of their mines set forth in the most attractive manner.

Articles contributed for this purpose should be sent to Governor Pennington, or Judge West, Secretary of the Agricultural Society at Yankton, and delivered at the warehouse of the Dakota Southern R. R., Yankton, on or before the 6th of October. And it is hoped that leading citizens of each county will take hold of the matter and see that the car is filled with the very best of their products, that the people of the east and of Foreign lands may see that we can not only produce the best of everything, but that we do produce an abundance of it.

The Governor will personally see to getting the car through, and to having all articles donated exhibited to the best advantage.

This enterprise has the sanction and hearty co-operation of the Dakota Agricultural Society.

JOHN L. PENNINGTON,  
GOVERNOR.

I. E. WEST,  
Sec'y D. T. Ag. Socy.

Sheriff Bullock will take charge of and forward any specimens intrusted to his care.

**The Bismarck Route.**

The following is a copy of a letter received here yesterday by a gentleman who kindly permits us to publish it:

SOUTH MORRIS, Sept. 4.—

Dear Genl:—You may be surprised to know that I am about 90 miles from Deadwood, on the Bismarck road. Considering things, I thought it cheaper to take stage, and save time and board. I think I can make more in the time gained than extra cost. Stage fare to Bismarck is \$25.00, but I got passed for \$5 less by giving small suggestions, that is \$18. I shall play sharp, however, on the railroad, and get through for as much more if possible. This is the best road I ever saw. Do not travel at night. Distance from Deadwood to Bismarck is 240 miles, shall get to Bismarck Thursday at about 5 p. m. Fort Pierre route uncertain, as boats may not run. Shall be in Traer on Monday evening, Sept. 10. Can go fully as cheap this way as Sidney. No hills and plenty of water. Send card to Traer. Cordially,  
"WEST."

**Mining.**

The tramway from the Father-Joseph mine to Elliott & Porter's new mill is in running order and ore being conveyed by its means to the mill. It is a successful experiment.

Newton's mill at Anchor City will be crushing ore in a few days.

Gardner Ore and Mill Co. at their mill in Foreman's gulch are crushing Eureka ore. A clean-up was made on Saturday last which resulted in a yield of an ounce of retort to the ton of ore.

Philpott, Pickett & Hain have nearly completed a thirty stamp mill in Hidden Treasure gulch. This company propose building a tramway from the Patton mine to the mill.

The Fairview Company are erecting on the next mill-site above the Hidden Treasure mill preparatory to erecting a 20-stamp mill to crush the ore from the Fairview mine.

Judge Stockton has just let a contract for a tunnel 150 feet long to be excavated in the Bonnie Mine.

This morning a log house in course of repairs, on the City Creek road, just above Claggett's residence, fell with a crash, smashing the contents, which consisted of household furniture, etc., of a family at the time occupying the house. No one injured.

**Later Arrests for the Shooting of Tuttle.**

At the time the trouble occurred in Hidden Treasure gulch yesterday, there were four men in the Keets mine who were not arrested at the same time as the seven mentioned yesterday, but about 6 o'clock last evening, when they started to come out from work, Sheriff Bullock arrested them, and took possession of the mine which he still holds without any opposition from anyone. These four men were held by Justice Gibson at Gayville in \$300 bonds each to appear before Justice Barker this morning at 10 o'clock.

About 2 o'clock this morning Alvin W. Whitney, superintendent for the Keets Co., and Mr. Devy, were arrested while reposing in bed, and conveyed to jail on a warrant charging them with the same offense as the seven men arrested in the cabin yesterday, the murder of Cephus Tuttle.

**Preliminary Examination of the Keets Miners.**

The following named prisoners pleaded "not guilty" in Justice Barker's court this afternoon at 3:30 o'clock, to the charge of killing Cephus Tuttle in Hidden Treasure gulch yesterday: Alvin W. Whitney, Henry Keets, J. Hubbell, G. H. Fullerton, J. Maxwell, C. L. Torbett, J. S. Goddard, A. Chisholm, A. A. Dewey, C. Brooks, G. S. Norris, H. F. Paulin and E. C. Smith. After their plea was entered, the court adjourned for convenience sake, to the Bella Union theatre.

The first watermelon of the season were brought to town this morning. One man had two about the size of a turnip and only asked \$3 for one and \$2 for the other. Money was no object to him; we'll bet he thinks a mere of a cent than a farmer does of a cow.

**NEBRASKA.**

**SIO CHIEF DEAD.**

CAMP ROBINSON, Sept. 6.—Chief Horse died last night about midnight. All quiet and serene here this morning. New York—Gold closed 31.

**MARRIED.**

NORRIS—HALL.—At Palace Restaurant, Sept. 6th, by Chas. E. Barker, West. W. Norris, and Miss Cora Hall, both of Deadwood City.

**Principal Hotel Arrivals.**

Services 2th.  
Wells' House.—J. B. Sargent, Milwaukee; A. C. Monahan, Lead City; D. J. Johnson, Central City; John A. Grand, Omaha; Chas. R. Smith, Spring Creek; Edith N. Robinson, Minneapolis.  
Grand Central.—Joe Tramm, Golden Gate; A. Powers, H. A. Davis, Kansas City; Mrs. A. Fryer, Galena; J. M. Cook, Sidney; H. Goodfellow, Hat Creek.  
J. L. & Wm. Martin, Wm. Carey, Rapid Creek; Harry Wright, P. P. Volody, Central City; G. Graham, Central City; James Mader, James Smith, Chicago; John Gardner, Philadelphia; A. H. Nicholson, Potato Gulch.

A. R. CURRY, Pres't. J. E. WILK, Cash'r.

**First National BANK,**  
Cheyenne, - - Wyoming

CAPITAL, \$10,000. SURPLUS, \$2,000.

Advances made on and highest price paid for Gold Dust and Bullion.

Exchange bought and sold on all the principal cities.

Interest paid on time deposits, and collections made with prompt returns. TAYLOR

**SHERIFF'S SALE.**

Notice is hereby given that by virtue of an execution to me directed and delivered, and now in my hands, issued out of the Clerk's office of the First Judicial District Court, Territory of Dakota, in aid for the sale of the property of John A. Larson, in favor of M. A. Larson and against John A. Larson, I have levied upon the following property of the said John A. Larson, to-wit: That certain house and lot situated on the corner of Lee and Main streets, Deadwood, D. T., and known as the General Counter House, I have, therefore, by virtue of said execution, I shall, on Friday, the fifth day of October, at 10 o'clock, at the front door of the post office in the city of Deadwood, Lawrence county, D. T., proceed to sell said property to satisfy said judgment and costs, together with all accruing costs of said sale, at public auction, to the highest and best bidder for cash.

JOHN BULLOCK,  
Sheriff Lawrence county, D. T.  
Dated Deadwood, Sept. 5, 1877.

**Notice.**

Notice is hereby given to George Graves and John W. Graves, part owners in the association of Ralph Lake Mine, situated between Bonanza Co. and Gold Butte, in White Sulphur Springs district, county of Lawrence, D. T., that unless they pay within thirty days the amount expended in the development of said mine, within thirty days from this date, that their interests will be sold to the creditors in said mine.  
Witness my hand and seal at Deadwood, Sept. 4, 1877. W. A. BATES,  
Sept 5, 1877.



# Weekly Times.

FORSTER WARNER & CO.

Books and Posters.

Terms, (usually in advance):	
DAILY, 1 year	\$10.00
4 months	5.00
3 months	3.00
1 month	1.00
WEEKLY, 1 year	5.00
6 months	3.00
3 months	1.50
1 month	.50
Address	Deadwood, Dakota.

**Arrival and Departure of Mails.**  
Sidney arrives at 3 p. m. and closes at 10 p. m. every day.  
Cheyenne arrives at 6 p. m., and closes at 10 p. m. every day.

Bismarck arrives Monday, Wednesday and Friday, at 12 m., and leaves Tuesday, Thursday and Saturday, at 9 p. m., and closes one hour before starting.

Kearney arrives Monday, Wednesday and Saturday, at 9 p. m., and leaves Tuesday, Thursday and Saturday 5 p. m., and closes one hour before starting.

**Postoffice Hours.**  
Open daily except Sunday from 7 a. m. to 3 p. m. Stamp and registered letter department open from 9 a. m. to 6 p. m. Sunday from 1 p. m. to 6 p. m.

Deadwood, Sunday, Sept. 5, 1877.

[From Friday's Daily.]

## The Homicide at the Keets Mine.

Court convened pursuant to adjournment in the Bella Union theatre, at 10 o'clock a. m.

L. F. Babcock, coroner for Lawrence county, being sworn, testified that he was acquainted with Cephas Tuttle; that he saw him in his cabin on Hidden Treasure gulch on 5th of September; that the shot which caused his death was fired about 10 o'clock on the morning of the same day. The witness also stated that he was in Aurora cabin, but not in the employ of that company, on that morning with another man; that he saw some men in the cut to the tunnel to the Keets mine, also in the Keets cabin; that Tuttle went to the shaft on the Aurora, and hauled down that he was going to blow the shaft out, and did not want to hurt any of the inmates of the mine; that then three men stepped from the Keets cabin with rifles, and commenced shooting at Tuttle from behind some logs, firing about eight or twelve shots; that John Giddard and Isaac Hubbell were two of the men who fired shots, but that he could not swear to the third man; that he was about 125 feet from the logs behind which the shooters were, and the witness between himself and them constructed; that the shaft by which Tuttle stood is on the Aurora ground, and the pile of logs is on the Keets; that he saw no other arms at that time except the rifles in the hands of the Keets men, and that Tuttle fired no shot; that he saw one shot fired from a port-hole in the Keets cabin, which caused Tuttle's death while he was fixing a wheelbarrow, about 125 feet from the Keets cabin, in a stooping posture, with his left side towards the port-hole; that about fifteen minutes elapsed between the first and last shooting; that Pat Donahue was with him on this occasion.

On cross-examination, the witness testified that Cephas Tuttle lowered giant powder into the shaft and fired the fuse connected with the blast after warning the men in the mine of his intention; that he understood there were some shots fired from Tuttle's cabin, but could not see any from his position; that he did not know who was in the chamber of the mine at the time Tuttle lowered the powder; that Tuttle said, "Don't be low! I don't want to hurt any of you in the mine, but I am going to blow out the bottom of the shaft you have blocked up;" that Pat Donahue with use was not armed; that he did not see any one in Tuttle's cabin; that he only saw three armed men, and they near the Keets tunnel at this time.

Daniel Edwards having been sworn, testified that he was a resident of Hidden Treasure gulch. The witness also stated that on the 5th of September he was near the Hidden Treasure mine, about fifty feet from the Keets cabin; that he did not see the party who fired from the cabin; that the first shot he saw was the fatal one, the other shots having been fired before he reached his point of observation; that he saw smoke issue from the port-hole of the cabin when the shot was fired; that he did not see anyone leave the cabin after the shot was fired, although his view was unobstructed; that he a few moments after went down to the door of the Keets cabin; that he recognized Harlan as one man in the cabin; that he recognized Smith and Maxwell also as among the men who came out from the cabin under arrest; that he went to the cabin to see who was in there, and watched; that he did not see any armed men around; that he heard some shooting about fifteen minutes before the shot he saw. On cross examination the witness testified that he was aware that there had been a controversy regarding the claim, but he understood it had been settled by mutual agreement; that he did not know of his own knowledge of any controversy exist-

ing at the time of this difficulty, but that his partner did know of some.

On re-direct examination, witness testified he heard at the time of the shooting that some armed men had taken the Keets mine.

Patrick Donahue having been sworn, testified that he knew Cephas Tuttle; that he saw Tuttle on the 5th Sept. go up to the shaft and warn men in the mine that he was going to blow out the shaft; that the witness had sunk the shaft for Tuttle; that he saw one man coming from the Keets cabin with a rifle, and just after saw three men behind the logs near the Keets cabin, armed with rifles, who laid down and fired towards the shaft where Tuttle was; that he saw the muzzle of a gun pointed through the port-hole in the wall of the Keets cabin when the fatal shot was fired; that he saw one walk from the Keets cabin to the Keets tunnel; that when he saw the muzzle of the gun in the port-hole he remarked, "Here comes a Winchester," and at the same time saw smoke issue from it, and heard the report.

On cross examination, witness testified that J. E. Johnson called his attention to the crowing of Mr. Tuttle before any trouble occurred; that Tuttle told the men in the Keets cabin that Whitney would have to pay for the shots in his cabin, also that he could not fight a whole army but would fight any one single handed if some one would come out to him; that he saw some shots fired from Tuttle's cabin at the time of the first shooting. On re-direct examination he explained that the Tuttle cabin, from which shots were fired, was the frame cabin a short distance up the gulch from the Keets cabin; that Tuttle was not in his cabin when the shots were fired; that the shots from Tuttle's cabin were fired some time after the first round from the Keets' cabin.

O. E. Nelson having been sworn testified that he worked for Tuttle in the shaft above the Hidden Treasure mine; that Tuttle told him that he was going to take that old shaft which was his, and if they would not come out he would blow the bottom out of it; that he cut and caved two tons for Tuttle, who had about forty pounds of giant powder, which he lowered into the shaft, and hailed to the men to get out of the way that he was going to take the shaft; that the men refused to leave the shaft, and to lower the powder or they would shoot him, to which he replied that they could shoot; that afterwards the shots were fired from behind the frame cabin above the Keets cabin. The witness identified Hubbell and Giddard as two of the men who fired the shots from the logs; that some return shots were fired from the frame cabin; that four or five shot passed through the walls of the frame while the witness and Johnson were in the cabin; that Johnson fired the shots from the Tuttle cabin; that Tuttle was not in the cabin at the time; that the fatal shot was fired about fifteen minutes afterwards from the port-hole in the Keets cabin; that Tuttle fired no shot, but was armed with a six shooter which he carried in his pants pocket; that he saw some armed men about 7 o'clock a. m. before Tuttle came up, one of whom told the witness to look out for himself because they were going to take the ground; that the man was near the Keets cabin at the time; that the port-hole was out in the wall of the Keets cabin on the right previous to the day Tuttle was shot, and during the morning of that day men cut other chink holes.

That the men who fired from behind the logs went into the cabin; that when Sheriff Hubbell took the men from the cabin he took Hubbell and Giddard with the others; that he picked Tuttle up after he was shot; that Tuttle's back was towards the Keets cabin, and he was working on a wheelbarrow, kneeling on his knees.

On cross examination, the witness stated that the men Whitney had hired were in the mine, and that after Tuttle told them to come out a number of men came out, the bottom of the shaft had been blocked up; that he, the witness, stood within twenty-five feet of the shaft when the explosion took place; that Giddard and Hubbell were the men who told Tuttle if he lowered the powder they would shoot, and Tuttle said "If any of you s--- of b--- want a fight and will come out I will give you one, I can't fight an army;" that about four or five shots were fired from Tuttle's cabin; that only one man, Cornelius Johnson, was shooting from Tuttle's cabin; that there were about eight or ten shots fired from Keets' before Johnson shot, these were fired towards Mr. Tuttle; that the powder Tuttle took was all the powder in the house.

Peter Johnson having been called, testified to substantially the same facts, so far as his knowledge allowed him, as the other witnesses.

John Lillig having been sworn, testified that he worked on the Fairview mine; that Hubbell fired the first shot, from behind the logs, at Mr. Tuttle; that he saw George Fallerton coming out of Keets' Tunnel apparently unarmed; that after the shooting the three men ran into the Keets' cabin; that Hubbell's bullet struck within two feet of Mr. Tuttle; that afterwards Mr. Johnson returned the fire from Tuttle's cabin; that after Tuttle hauled about fifteen or sixteen men came out from the mine; that the captain of the guard, who was apparently unarmed, left the tunnel and ran into the Keets cabin.

T. Warren having been sworn, testified that he was acquainted with Cephas

Tuttle, and saw him on the 5th of September; that he saw Tuttle bring out a box with giant powder, lower it into the mine and fired the blast; that he saw three men behind some logs near the mouth of Keets' tunnel, who opened fire on Tuttle; that Tuttle told them he could not fight a whole army, but would fight the crowd one at a time; that he saw smoke and heard the report of the fatal shot issue from the port-hole; that he thought some other shots were fired, but he could not say, from his position, where the shots came from; that he saw three armed men leave the Keets tunnel, and ran into the cabin; that he recognized A. Chisholm as one of the three; that a short time after the shot was fired, A. Chisholm and another man went back into the tunnel; that one man, E. S. Smith, came out on to the top of a blacksmith shop, near the Keets cabin, several times, with a six-shooter in his hand; that the Keets cabin had a port-hole in the wall which faced the Keets tunnel; that he had never seen any port-hole in the cabin previous to that morning.

Cross examination elicited no new facts.

Coward Croff having been sworn, testified that he was on the Fairview mine on the morning of Sept. 5th; that he saw Tuttle walking towards his shaft with a box in his hand; that then shooting commenced from behind the logs near the Keets mine; that he recognized Hubbell as one of the men entrenched behind the logs; that the fatal shot came from the direction of the Keets cabin; that he saw some men come to the Keets tunnel and run into the cabin when the shooting was done; that just previous to seeing the men come out he heard some men halloo, "Here comes the captain of the guard;" that he recognized Hubbell and Giddard as two of the men brought from the shaft by the Sheriff.

Dr. A. M. Overman having been sworn testified that he was called on to attend Tuttle after he was shot; that he found him suffering from a bullet wound, which had passed through the body, entering at the lower portion of the back; that he had the bullet which was extracted from his body, that it weighed 77 dwts; that Mr. Tuttle's death was caused by the wound.

H. C. Rohleder having been sworn, testified he was an engineer and surveyor; that he was acquainted with the Keets mine, also the Aurora, and tunnel; that he had yesterday made a sketch of the ground in the vicinity of these mines; that he had before then made an accurate survey of the ground; that he had made the sketch on the ground yesterday from personal observation. This sketch was then introduced as evidence.

On cross examination he testified that he had made a survey of the ground last spring for the Aurora company; that he knew where the discovery stake of the Aurora mine was located through that survey; that he had also made a survey of a portion of this ground for Mr. Keets, that he had also surveyed all around that vicinity.

Frank Warren testified that he could this day's knowledge locate the different points located on the diagram, but his evidence regarding this diagram was ruled non-admissible, because he had made the diagram himself.

Alfred Mahler was recalled, but Mr. McLaughlin, one of the counsel for the defense, very strongly objected to his being sworn, on the ground that the prosecution had no right to recall a witness until after all the witnesses for that side had been examined, and that by recalling Frank Warren, the prosecution had lost the right to place any more witnesses on the stand. After considerable argument and cross-fire from both sides, Mr. McLaughlin withdrew the objection.

Alfred Mahler having been sworn, testified that he resided in Hidden Treasure gulch, Lawrence county, D. T., for the past fifteen months; that he had heard shots fired on the morning of the 5th of September; that he saw armed men behind some logs near the Keets' cabin; that he saw about six or more men in the vicinity of the scene of action; that he saw one man come out of the tunnel and go towards, and witness thinks into the Keets cabin, about a minute before the fatal shot was fired.

On cross examination, witness testified that he saw a number of men behind some brush about fifty or seventy-five feet from the Keets cabin.

Martin Hoare having been sworn, testified that he saw Cephas Tuttle on the morning of the 5th Sept.; that he was about 1,000 yards from Mr. Tuttle on the occasion.

Mr. McLaughlin here interposed objection to a question asked witness by Col. Parker, on the ground that rule of practice was, when more than one attorney was engaged on a side, it was irregular for more than one attorney on that side to examine the same witness.

Henry Spence having been sworn, testified that he saw three men behind a pile of logs near the Keets cabin on the morning of the 5th Sept., and heard a shot; that he first saw Tuttle as he was leaving the shaft on the Aurora ground; that one of the men left from behind the logs before the other two, who remained long enough to fire some more shots; that the report of the fatal shot was from the direction of the log cabin; that he had no knowledge of where the shot came from, except the report of the gun; that he did not see any smoke, because his attention was instantly called to Tuttle; that he saw no other armed men except the three behind the logs; that those three men went into the cabin af-

Black Hills Daily Times  
09 Sept 1877 - Part 3



GRANVILLE G. BENNETT,  
Judge 1st Jud. Dist.,  
Ter. of Dakota.







**SEPTEMBER 10th**

L. X. L. W. Kiley, Galeville; E. F. Thon, Iowa;  
R. Goodell, Spearfish; E. L. Fishery, J.  
J. de R. Rodda, P. Murphy, P. Jenkins,  
A. Hubbell, S. S. Wall, W. Collins, Thom  
H. H. March, J. Mansuet, J. A. Kings  
E. C. K. O'Connell, Central City.

**JAMES CENTRAL.**—P. Johnson, Hidden Treas  
Galeville; E. R. Davis, Central City.  
Wren's House.—W. E. Baughman, I. B.  
Cox, W. G. Galea, Central City; D. Thompson,  
Central City; J. M. H. Hunter, A.  
Luna, Goulden Gate; M. R. Post, Central  
City; J. Arms, Yellowstone; D. E. M. Hazen,  
Rocky City.

**MARINA ROCKS.**—Thos O'Neil, Central; T. H.  
Barnes, Central City; A. Harmon, Fremont  
City; G. A. Oldier, N. H. & W. H. Beckwith;  
Nausch, Black Tail Gale; J. Fortney,



A. W. Bristol, of Ft. Collins, will arrive here within a day or two with 1,000 choice wethers. They are between this place and Custer, and traveling about ten to fifteen miles per day.

S. S. Hall having been sworn, testified that he was acquainted with Whitney; that he is Superintendent of the Keokuk; that he saw Whitney on the day previous to the killing of Tuttle; that he saw Whitney again on the morning that Tuttle was shot; that he knew Keets; that he saw Keets the evening previous with two guns in his hand; that he knew A. A. Dewey; that he thought that the last time he saw Dewey was on the evening of the day previous to the shooting; that he had nothing in his hand to be witness knowledge.

Cross examination elicited the testimony that witness saw Tuttle carry a hammer from his cabin and hammer on a wheel-barrow, where he was when shot, and that after the shot witness saw a hammer lying about twenty feet from the barrow; that about four or five shots came from the direction of Tuttle's cabin about the same time the shots were fired from near the Keets cabin; that he did not see Christobol here any more.

could not swear as to whether Keets  
armed or not.

Ed Rodda, having been sworn, testified that he knew the defendant, (Here McLaughlin, one of the counsel for the defense, asked that the witness be instructed as to his rights in refusing to give answers which might criminate himself, and Col. Parker responded to the prosecution, commenting that the Court should admonish this witness to testify; that he testified that the defendant came to the mine about 5:30 p. m., on the 4th of May, 1906, and that he saw the defendant, that he saw Torbet, Keets, and Maxwell; that he did not see those men on the evening of the 5th; that he conversed with Whitney on the 5th; that Whitney and he conversed respecting the ore in the K mine; that he went to work in the K mine at 7 o'clock on the morning of the 5th; that he was employed by J. Conley.

Cross-examination elicited the fact that Keets, McCormick, Edwards, and Pomeroy constituted the Keets Company when Whitney first went to work about three months since; that Whitney visited the mine frequently; that Whitney has told witnesses to obtain anything he needed and to push the work; that witness suspected Whitney was superintendent from the orders he gave respecting the mine.

On redirect examination witness testified that a previous difficulty occurred about three weeks since; that the laborer at the mine was interrupted at the time for about four days; that witness did not go back to work because he waited for orders; that he was waiting for the difficulty to be settled; that witness heard the difficulty was settled; that at the time witness started to go to the

William Baker having been sworn before the Keets and Aunee companies at the same time as the difficulty in August last, which was received.

William Baker having been sworn before the Keets tunnel, in Hidden Treasure, he testified that he lived within 250 feet of the Keets tunnel, in Hidden Treasure, and he testified that he was there on the morning of the 5th; that he saw C. Gaylord or the ground on the morning of the 5th, that he saw him about twenty minutes after the commencement of the firing, and that he saw him about his slanty or the side hill; the witness said that he was a member of the conversation; that he thought Gaylord was under the influence of liquor at the time.

Thomas Rivers, having been sworn, testified that he was on duty with Keets mine at 11 o'clock on the night of the 4th; that he was engaged in timbering up a shaft; that he was called to a witness stand by a shaft by the timberman or foreman, the latter of this name was John Esdaile; that the timbering was to cover the bottom of the shaft; that with one wire Keets, Parlin, and another witness saw one man to the mine armed with a gun; the testimony said: "If, if anyone orders you not, go down, you are not to go down, and if anyone ordered us to close up the shaft, that the night foreman ordered us to close up the shaft; that he met Whitney going up the shaft, and the men were not there; that Whitney merely mentioned the ore and passed on. Cross-examination elicited the fact that witness had been at the Keets mine about two months."

seeing the arms in the mine called forth the remark from me; that there were about six of the defendants present at that time; that the reply was made by some one of the defendants then present; that he was in view of the scene of the trouble during the firing on the morning of the 5th.

**General Gibbons Battle.**

The Indian battle of Thursday forms another disgraceful page in the sad book of our country's history. It is not to be doubted fought heroically; indeed, their skill and pluck seem barely to have saved them from a fate similar to that of the gallant Custer and his band. But in two particulars this battle was deeply humiliating.

1. It is humiliating that (general Gibbons should have been compelled to seek savages in a pass of the Rocky Mountain at the head of only 185 men, his following their untamed valuations. The bloody result furnishes a comment on the army reduction policy that ought to bring a blush to even the brazen cheek of every American citizen who has claimed "Cut down the army." Instead of 185 men, there were 25,000 men, and our available force ought to be immediately increased to 50,000.

2. It is humiliating to reflect that a gang of pillagers called Indian agents would have been able to obtain a treaty with a war with the Nez Percés. These are not, by any means, were wild savages, but a people that had attained considerable civilization, and who, in exchange for money, had begun to plant and reap; had established stores and schools; and their agents had pressed forward to their own and personal profit, and to the ruin of the Indians, and official bandits have stolen their goods and preyed on their anxieties with the same impunity as if they were savages, to rouse even Quakers to revolt. They have pleaded, written, spoken, appealed, threatened, exposed, denounced in the newspapers, and in the Congress, and have done them, threatened, and finally appeared to the rifle and knife in bloody reparation for a generation of plunder and bloodshed. It is a disgraceful record, and the policy, which proposes disarming the Indians, compounding their annuities, and furnishing them with land and tools, is a policy that would make the same men for a living.

**Indians Reported on the Rampage**  
There is a rumor on the street to-day that a man and his son were killed by Indians on the Belle Fourche a day or two since. The report is that they were hauling hay and were both unarmed when the Indians appeared and killed them near the ox of the teams. That then the man and boy attempted to run away, in which attempt we are informed they were both killed.

The County Commissioners met yesterday afternoon and awarded the contract for the care of the sick of the county to Z. S. McEwan, M. D., he having the lowest bid. They also allowed a few bills.

One of the hacks which run to and from Central City, was thrown over a bank yesterday, fortunately no one was injured.

The coaches of the Northwestern Company running to Bi-mareck, are carrying out full loads of passengers.

Travis Bros. have placed on the road a new hack to run between Deadwood and Central.

**DIED.**  
WAGNER.—In Deedwood, September 25,  
1877, Henry Wagner, aged 28 years,  
son of Frederick Wagner, eldest son

**Principal Hotel Arrivals.**

[illegible][illegible]



### **Later Arrests for the Shooting of Tuttle.**

At the time the trouble occurred in Hidden Treasure gulch yesterday, there were four men in the Keets mine who were not arrested at the same time as the seven mentioned yesterday, but about 6 o'clock last evening, when they started to come out from work, Sheriff Bullock arrested them, and took peaceable possession of the mine which he still holds without any opposition from anyone. These four men were held by Justice Gibson at Gayville in \$300 bonds each to appear before Justice Barker this morning at 10 o'clock.

About 2 o'clock this morning Alvin W. Whitney, superintendent for the Keets Co., and Mr. Dewy, were arrested while reposing in bed, and conveyed to jail on a warrant charging them with the same offense as the seven men arrested in the cabin yesterday, the murder of Cephas Tuttle.

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The following is the text of the complaint in the recent Aurora-Keets case:

The above named defendants are accused of the crime of grand larceny, in this, to-wit: That on the 2d day of January, A. D., 1878, the said defendants, (in the county of Lawrence, and Territory of Dakota,) a large quantity of quartz and mineral bearing rock, or ore, of the value of \$500, the property of Herman B. Tuttle, et al., the said ore being severed from realty, wilfully and feloniously, by fraud and stealth, did take and carry away with intent to deprive the owners of the same as aforesaid, contrary to the law in such cases made, etc.

Upon this complaint warrants were issued and the following were on yesterday arrested: Jno. Shaw, George Sherman, Geo. Bradley, Mike Hayes, T. Primrose, Henry Keets, Dode Blair, H. Parlin, W. N. Snyder, J. W. Davis. They were admitted, in their own recognizance, to \$200 bail to appear on Monday next.

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In Justice Barth's court: Territory of Dakota vs. Henry Keets, Hank Carlin et. al., grand larceny of ore from the dump of the Aurora mine. Prosecution failing to make a case, upon motion the defendants were discharged.

Territory of Dakota vs. J. C. Ottenger et. al., criminal complaint, forcible possession of the Homestake mine No. 2, Lead City.

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Operations in the Aurora mine, which has been lying idle a long time pending litigation, were commenced to-day. There is a large amount of ore in sight and on the dump at this mine, the milling of this ore, it is calculated will give us some big clean-ups, and will give the mining and milling interests of the Hills a fresh impetus.





