

prosecution and Mr. Hall by the defense.

Wm. Chisholm had an opinion and was excused.

T. S. Murray and A. R. Carter had no opinion, and passed.

Mr. Carter was challenged by the defense. Mr. Murray was sworn.

C. M. Donelson had an unqualified opinion; excused.

John W. Clark had not been in the Territory long enough to act as a juror.

Herman Hill would not convict in a case where the punishment was death, and was excused.

Samuel McIntyre did not reside in the district; excused.

Robert Newsom had no opinion in the case and was passed. He was peremptorily excused by the prosecution.

C. P. Mason had an opinion; excused.

Joseph Simons said he was prejudiced; excused.

Albion W. Calne had no fixed opinion; accepted and sworn.

The jury as empaneled stands as follows:

Frank Van Horne,	J. B. Cornwell,
E. B. Kelsey,	Owen Hogle,
John McVicker,	J. L. Perkes,
Wm. J. Lynch,	Frank Shelton,
H. C. Reich,	J. M. Young,
T. P. Murray,	A. W. Gaine,

In reply to the court, the attorneys said the case would take all the week. All jurors except those in the case were excused till next Monday.

Court took a recess till 1:30 p.m., after a strict admonition to the jury to be extremely cautious to hold no communication with any one outside of their own number.

In the afternoon, after the reading of the indictment, Assistant District Attorney Hiles stated to the jury what the government expected to prove. He said the jury should approach the trial with caution. It is the duty of the prosecution to prove that Sergeant Pike was mortally wounded by the defendant, Spencer, within the jurisdiction of the court. They must also prove the killing to have been deliberate and premeditated. The government undertakes to show such a case. In this case we expect to prove that Howard O. Spencer killed Sergeant Pike. We think the evidence will leave no doubt in your minds. We think it murder in the first degree. In 1859, Sergeant Ralph Pike, of the Tenth United States Infantry, was under arrest for an offense committed in Rush Valley. He had been brought in from Camp Floyd, and was to be turned over to the civil authorities for trial for assault on Spencer. There was being held at the time, a preliminary examination. The defendant planned to kill Pike, from motives of revenge, and with others executed the plan. About noon on the 11th of August, 1859, Pike was proceeding to the Salt Lake House, in this city, when the defendant came up and called to him. He turned partly around, when Spencer fired, the ball entering Pike's side. The bullet struck the handle of a knife which Pike carried, and which caused the ball to glance upward. Pike was taken

into the hotel the next day. We expect to show that Spencer was the one who fired the fatal shot. At the pursuit he escaped, and for many years his presence was unknown to the authorities. It was only last summer that his arrest was effected. We shall introduce the dying statement of Pike, and also evidence of eye witnesses to show that Spencer is the man who did the shooting. Having shown that the killing was deliberate, and out of motives of revenge, we shall claim a verdict of guilty of murder in the first degree, as charged in the indictment.

LEWIS W. SMITH

was the first witness called. He testified—I live at Kamas, Summit County; have been in the Territory since 1858; was in Rush Valley and Camp Floyd in 1859; went to Rush Valley in March, 1859; was there one month; I was then in the Tenth Infantry, United States army; was acquainted with Sergeant Pike; he was in Co. I; I was in Co. B; the last time I saw him in Rush Valley was in March, 1859; he was first sergeant of his company; he left Camp Floyd for Salt Lake in August, 1859; there were about a dozen soldiers, with either the captain or lieutenant of Co. I; Pike was under guard when he left; his guards were also witnesses in the case; the next time I saw him was when he was brought back, dead; I attended his funeral; he was 50 or 35, and was in good health when he left for Salt Lake.

To Mr. Sheeks—I joined the army in Philadelphia; joined the Tenth Infantry at Camp Floyd.

The court ruled that the defense could not inquire how the witness came to Utah.

Witness, continuing—Pike came to Utah in 1857; I was 22 in 1859; I saw him nearly every day for about 10 months; could not tell now the names of any of those who accompanied him to Salt Lake; he was ordered to Salt Lake for trial; the order to that effect was read on parade, according to military rule; he was brought back in a week or ten days; the party he went with brought him back; I have been in the Territory ever since; left the army in 1863, being honorably discharged; saw no trouble between Spencer and Pike; saw them at Rush Valley; was not present during the trouble; Pike's company relieved us, and they remained a month; we left the day after they arrived; when Pike came to Salt Lake he had on his uniform; they left Camp Floyd in an ambulance; none of them were on horseback.

JAMES GORDON

was the next witness. He testified—I lived in Big Cottonwood in 1859; had a public house there; saw Sergeant Pike there in the summer; Lieut. Gordon, Col. Crossman and Mr. Page were with him; there were about a dozen in all; they were on their way to Salt Lake; saw Pike next day, after he was shot, at the Salt Lake House; he was on the bed very sick; he could not speak; I saw the blood oozing

from his shirt; that was a little after noon.

To Mr. Rawlins—I did not hear the shot; saw no wound, only the blood; I was not acquainted with Pike; knew him by sight; he was in uniform when I saw him the day before; all of them were on horseback; I never spoke to Pike.

MRS. ELIZABETH TOWNSEND

was next called. She testified—I have lived in Salt Lake City since 1856; was married July 24th, 1858; know the location of the Salt Lake House; lived there from the fall of 1858 to 1864; my husband kept the hotel in 1859, and for five years afterward; remember Sergeant Pike being brought there in the summer of 1859; I heard the report of a pistol from the front of the house; that was about a quarter before one; I went out and met four soldiers carrying another; they laid him down on the bed, and I asked him where he was shot; he pointed to his side; he was in a fainting condition; I did not see the wound; he asked me to open the door, and I did so; I also brought some fans; I was in the room about ten minutes; an army physician came, and remained till Pike died, on the following Monday; the shooting was on Tuesday or Wednesday, the physicians tried to keep him alive till his mother and sister could come; I saw him in the coffin after he was dead; they took him back to Camp Floyd; I saw him about twice a day while he was there; he gradually sank till he died.

RAILROAD IN PALESTINE.

The German Consul here informed me yesterday that the Turkish Sultan has issued permission for the Jews to immigrate to Palestine whenever they want to. Latterly a prohibition against their immigration, except to certain colonies, had been in force, as the Jews are very much disliked by Turks and Arabs alike. But this prohibition has been repealed, and in every court-house in the country a notice has been posted notifying the change in the attitude of the Ottoman throne towards the Jewish race. The land is therefore now open to the homeless people, and they are free to come and build up the country of their forefathers.

Rumor has it that this permission has been bought by the Jews for fifty millions of francs, a neat little *backschisch* to the ruler of all the faithful ones. The news has created great consternation among the population here. The natives have an idea that the Jews "spoil" the country, and they think that the country, poor as it is, will be poorer still if the population is to be augmented by thousands of hungry Jews; so they anticipate starvation as a result of Jewish emigration. Further, the European settlers, the "Templars" among the others, fear the Jewish competition in their various trades, for it has been demonstrated that the Jews here, like the Chinese in California, are able to live cheaper than