

alley north of the Salt Lake House; I came out to the street about ten minutes before the shooting; there was an emigrant wagon and about twenty-five men on the street; five soldiers came down the street, and as they got to Goddard's store a man tapped one of them on the shoulder; this was Pike, who reached his hand as if going for a pistol; the man who spoke to him drew a pistol and fired at Pike; the man then passed within six feet of me, and crossed the street; Pike called out "My God, I'm shot!" A soldier and some one else caught Pike; three soldiers followed the man who shot, and one said "shall we shoot?" they all had revolvers; an officer said "No;" I know Spencer, and I do not think it was him; never did think he fired the shot; Bill Hickman was on the west side of the street; he was not on the east side; Jace Luce and George Stringam were not there, nor was Steve Taylor; no one called out "I'll drop him;" Pike had his belt on; he was carried up stairs, and I saw the belt taken off; there was a pistol in the belt, and also a knife; the knife handle was struck by the bullet.

To Mr. Hiles—I live at Pleasant Grove; I was out on the Weber when subpoenaed; have known defendant since 1849 or 1850; I lived at Pleasant Grove then; saw Spencer occasionally; worked in town some of the time, and saw him frequently; knew Hickman, Stringam and Luce well when I saw them; I was standing in front of the alley that went in by the hotel; Pike was square in front of Goddard's store when he was shot; he was ten feet north of the alley; he was on the sidewalk, next to the street; when the man tapped Pike on the shoulder the latter reached his hand to his left side, where he carried his pistol, and the man fired; I went up stairs after Pike was carried up; I came to town yesterday; did not hear Phillips' testimony yesterday; read the paper yesterday morning; Phillips' testimony was not there; heard one man testify (pointed out Phillips); no one called "Get!" to the man who shot; no one hollered to stop him; there was some excitement; the man went into the alley-way north of where Teasdel's store is now; I had not seen Spencer that year; the man who did the shooting had on a loose blouse and dark hat, I think; there was nothing peculiar about the hat; it was not a straw hat, neither was there anything peculiar about its shape; I could not tell the make of the revolver; I judge it was a navy revolver; that was the common weapon in those days; no one said to me that day that it was Spencer who did the shooting; heard his name mentioned in connection with it a long time afterward; I think it was when he was arrested last year; did not hear of the trouble in Rush Valley till after the shooting; I saw no one on the bench in front of the hotel; there may have been; if Hickman had been on the east side of the street I should have seen him; I did not see Spencer that day; saw Lee Daniels there; never saw him since till yesterday; I told Mr. Robinson what I saw of the

shooting; Pike had his side to the man; he had turned and as soon as he saw who the man was reached for the pistol; the weapon was eight or ten inches from Pike when it was discharged; did not see the stripes on Pike's blouse; did not see Spencer for several years after the shooting, as I did not live in town; do not know when I next met him, it may have been two or three years; do not know W. L. Pickard, Cushing, Heath or Phillips; did not see Alina Williams; never had any business transactions with Spencer; we were associated together as boys; I do not think it was Spencer who shot; the man who did the shooting came up behind Pike, from a little side-ways; he was alone.

To Mr. Sheeks—I first came to court yesterday.

WILLIAM BROWN

testified—I remember the shooting of Sergeant Pike; I saw it; was crossing the street, and was near the water ditch; there were five soldiers; a man came up and spoke to one of them, then fired; I knew Spencer, but did not recognize the man who shot as him; Pike put one hand across his body just before the shot was fired, and as the man was speaking; saw the party who did the shooting cross the street and run into the alley; did not notice Hickman; never saw Luce or Stringam there; saw Steve Taylor afterward; there was some one who ran after the escaping man; did not hear anyone say "Get!" no one shouted as the man crossed the street.

To Mr. Peters—I live at Alpine, Utah County; the first thing I noticed on the day of the shooting was the company of soldiers; I saw them just before the shooting; the man asked the soldier if his name was Pike; the soldier answered, and the man fired; they were very close together; I do not know who it was that shot Pike.

To Mr. Young—It was to the north of the Salt Lake House, on the sidewalk, that the shooting was done; saw Pike reach his hand across his body when the man spoke to him.

To Mr. Peters—Pike threw his hand in front of him; do not know what it was for; it was a quick motion.

VINCENT SHURTLEIFF

testified—I came here in 1847; I was in the city at the time of the killing of Sergeant Pike; have known Howard Spencer for over 30 years; for the last three or four years I saw him frequently in the city; he lived here publicly; he was not in hiding; I was on the grand jury in the fall of 1859.

The evidence of the grand jury having ignored the case against Spencer was objected to by the prosecution, and the court sustained the objection.

To Mr. Peters—For the last 12 years I have not seen the defendant many times; saw him occasionally; he lived in Southern Utah.

To Mr. Brown—I often heard of him and saw him once in a while.

H. B. CLAWSON

testified—The defendant is my brother-in-law; for the past ten years he has lived in Southern Utah; he has been in the city a number of times; his visits were public; in 1859 he was injured; during the summer that followed he was weak and emaciated; he was very different to what he had been before he was hurt.

To Mr. Hiles—Mr. Spencer was at my house a month before his arrest; he was employed by the city; he worked at Liberty Park; came up to my house frequently; do not know whether or not he was employed under his own name; from 1859 until he went south he was in the city most of the time.

THOMAS JENKINS

testified—I have known the defendant nearly 40 years; have been intimate with him; remember his injury in 1859; prior to that time his disposition was good; he was a pleasant companion; was not at all petulant or quarrelsome; after he was hurt there was a great change; I thought his mind was affected; up to about 12 or 15 years ago he lived in the Eighth Ward part of the time; he had a family, and his residence was well known; I saw him three times a week, at least; have seen him in Salt Lake several times since he moved south.

Mr. Peters—It may have been in 1874 that he moved south; when I met him in the city since then it was on Main Street, I think; before 1874 I saw him very often.

To Mr. Young—He took his family when he went south.

MRS. KATHERINE S. YOUNG

testified—I am defendant's sister; I am older than he; before his injury he was very good-natured and mild-tempered; after the injury there was a great change; we did not like to acknowledge it; he was despondent and irritable; he acted strangely at times; he was not sane during the first year or two after he was hurt, and was always more excitable than before.

To Mr. Hiles—He has been better recently; he acted strangely for a number of years after he was hurt; I was not with him a great deal; we did not call him insane, but knew he was not right.

MRS. ELLEN S. CLAWSON

testified—I am the defendant's sister; saw him frequently after he was injured; when he began to go about I noticed a great change in his conduct; before then he was peaceable, but became irritable and quarrelsome; sometimes we were afraid of him; we did not think he was in his right mind for several years; he has lived in this city and in Southern Utah for the past 30 years.

To Mr. Peters—He has been gradually becoming more like himself during later years; we did not call it so strong as insane, but said he was not right in his mind.

MRS. YOUNG

was recalled, and in reply to Mr. Hiles, said—I went away in 1864 and returned in 1867, and he still acted somewhat strangely.

Court took recess till 2 p. m.