

tion, is not the only person who is reprehensible in this connection. It has been asserted by way of palliation of the sanguinary deed that Dalton was in the act of

ESCAPING WHEN SHOT,

but this theory is effectually disproved by the testimony of the witnesses.

Samuel T. Orton, (brother of Thompson's accomplice), who witnessed the tragic scene from a point 15 rods northward, testified at the Coroner's inquest that Dalton made no effort to turn his horse before the shot was fired, and further said, "between the word 'Halt!' and the firing of the gun I think it would have been impossible for a man to have exhibited one effort to run away or to turn and surrender."

Holyoak, who stood about the same distance to the south, and therefore had a better chance of noticing any movement to escape, if one were made, than a person would looking from the side, and especially through a window, testified also that Dalton did not turn his horse after the cry of "Halt!" was heard, and that he neither had time to turn nor surrender.

Mrs. Barbara A. Lyman, towards whom Dalton was riding at time of being shot, and who was watching him intently, said she did not see him make any turn to the right or left, and she certainly would have done so had he made any effort to escape.

Such also was the testimony of Collins W. Clark, who was at the right and in the rear of the murdered man when the fatal shot was fired. Indeed, no witnesses, so far as can be learned, have testified positively that Dalton did make a movement to escape, and only two have admitted that he possibly might have turned his horse's head to the right with a view to escaping the instant before he was shot.

Wm. O. Orton, the companion of Thompson, admitted to a reliable party on the evening of the tragedy that Dalton made not the slightest effort to escape, but was shot just as he (himself) was shouting "Halt!" for the third time, and after Thompson had only called "Halt!" only twice.

It has also been claimed by those who are anxious to find excuses for the murderous deed that Dalton had

THREATENED THE OFFICERS

and that he was a dangerous man, but while there is no proof whatever in support of such an assertion, there is ample proof to the contrary. A braver man than E. M. Dalton is perhaps not living to-day, but he was as peaceable as brave, and the cowardly miscreants who acted under the authority of the U. S. Marshal in that region had assurances enough that he would not resist them before the tragic meeting. The following statement made under oath, is proof in point, and will also tend to establish the fact that at least one of those now seeking justification on the plea of Dalton having indulged in threats was thus guilty himself, and made a remark months ago which foreshadowed the dastardly crime that deprived Edward M. Dalton of his life:

PETER WIMMER'S STATEMENT.

In May last, while on my way from Beaver to Parowan, in company with Wm. O. Orton and Wm. H. Curtis, a conversation started upon the escape of Dalton from Heber Benson, during which I asked Orton why he did not re-arrest Dalton if he wanted him, stating that it was my opinion that he would never resist an officer who had a warrant to serve upon him: in fact that I had talked with him upon the subject and been assured by him that though he might escape if he got a chance, or elude the officers, if they ever got "the drop on him," he would quietly submit. Orton remarked that he would have Dalton when he wanted him, and if he could not get close enough to take him with papers he could with a Henry rifle. I understood the remark to mean that he would shoot Dalton if he ever attempted to escape, and the next time I saw Dalton I told him of it. Dalton treated the matter lightly, evidently not believing that Orton would have the courage to shoot.

I had evidence of Orton's treachery in his arrest of me on a charge of unlawful cohabitation, after having helped to secrete me when there was a prospect of arrest and his repeated assurances that he would do all he could to screen me from prosecution. He also sent several messages by me to Dalton to the effect that he would protect him from arrest and assist in hiding him up, but Dalton would never trust him.

L. D. Watson, Dalton's brother-in-law, states that when he was being taken to Beaver in March last, after having been arrested on a charge of cohabiting with his wives, and while in the custody of Deputies Gleason, Thompson and Sargent, and in the presence of several witnesses, he informed the officers that

DALTON NEVER WOULD RESIST ARREST.

as he had talked with him upon the subject and been so assured by him. He further told them that Dalton never carried any weapons—not even a pocket knife. To this he says Gleason replied: "It would not matter if he did; I think I could wing the boy before he got very far."

By the way, the same charge of having threatened to resist the officers was brought against L. D. Watson also, on the occasion of his arrest last spring, as a justification for the extra-

ordinary conduct of Deputy Gleason, but it was emphatically denied and there was no proof to support it. Gleason at that time is said to have found his prisoner prostrated and helpless from sickness, but that fact did not deter the deputy from drawing a revolver and pointing it at and within a few inches of the sick man's face, at the same time ordering him to get out of bed. When Mrs. Watson entered the room and protested against such treatment the pistol was turned towards her and she was informed that she was getting her pay for her insolence to the deputy—another false charge, for when the lady afterwards asked Mr. Gleason to look her squarely in the face and say if he had ever seen her before, he acknowledged that he had not.

The fact that Edward M. Dalton, though a powerful, muscular man, standing six feet high in his stockings, weighing 203 pounds, and really knowing no such feeling as fear, was

NOT A DANGEROUS MAN

or one likely to take the law into his own hands, might easily be proven by the testimony of those who were acquainted with him. He was rather noted throughout his life for his peaceable and peace-loving disposition, and the wonderful faculty he possessed of quelling trouble among others, without engaging therein himself. He was never arraigned before a court in his life upon any charge.

The fact of his having once been

ARRESTED AND ESCAPED

is pointed to in justification of the cowardly manner in which his life was taken, but it only shows to what straits the murderer's apologists are reduced in their efforts to palliate his crime. Dalton was arrested last spring by the treacherous spotter, Wm. O. Orton, who found him in the act of hauling gravel. Orton was so overcome with trepidation that he could scarcely read the warrant, and Dalton asked to be allowed to finish reading it himself. After doing so he took occasion to tell Orton calmly but emphatically what he thought of him, reminding him that not more than two weeks previously he had offered to hide him up or do anything else he could to screen him from the prosecution to which he was liable because of having two wives. Orton appeared to be chagrined at the scathing rebuke to which he was subjected, and calling upon Heber Benson, the city marshal, who stood near by, to take charge of the prisoner and promising to be back in a minute and a half, as he only wanted to go to the telegraph office, he left them and remained away for more than an hour and a half. In the meantime quite a crowd of acquaintances gathered about them in the street and commented freely upon

THE NEW SENSATION

of a deputy sheriff serving as a deputy marshal. Dalton, in the hearing of others, told his custodian that he did not want to get him into any trouble, and therefore wished Orton would return, as he intended to escape, but if he did not come back soon he should be under the necessity of leaving anyhow. Benson was determined not to let him get away, as he felt that his honor and reputation as an officer were at stake, but after waiting fully an hour and a half, and while standing beside Benson with his hand resting upon his shoulder, Dalton quietly and adroitly slipped his boots off without his custodian noticing it, and clapping Benson upon the shoulder with a parting "Good night, Heber!" sped off like a deer. Benson, who is very fleet-footed, followed in an instant, but had not run more than one block before he lost sight of the fugitive in the darkness. Dalton, as he afterwards acknowledged to a friend, made his way across a block or two and then, on emerging into the street, discovered a horseman riding past. He ran straight towards him and as he approached, the rider, who evidently recognized him, slipped off the horse on one side while Dalton sprang upon it from the other, and that, without discovering who had befriended him. He immediately began to congratulate himself on securing so good an animal to escape upon, for he found the horse to evince excellent speed and mettle. There seemed to be something familiar, too, about the gait and actions of the animal, and this led him to notice it more closely, when, to his surprise and pleasure, he discovered that he was riding upon his own favorite "Red Bird," which had been borrowed shortly before by the friend who met him so opportunely. Dalton made his way out of town to the west, and then circling around to the north for a short distance, halted, and, kneeling upon the ground, offered a prayer to God and thanked Him for his escape. Within an hour after escaping he was in the house of one of his friends, singing

"THE PRISONER'S RELEASE."

and playing an accompaniment on the organ.

This one incident illustrates the character of the man—a master spirit among his fellows, possessing as fine a physique as one could find in a month's travel, and vigorous intellect; he was not less remarkable for his kindness of heart, for his strong friendship, his keen sense of honor and his faith in God. He was a genuine favorite among his acquaintances, and while there is general mourning among them at his untimely and cruel death, it is universally acknowledged that he was well prepared to die.

He remained at home but a short time after his escape, and then, in order to secure greater freedom, and be able to work for the support of his family, went to Arizona, where he remained for six months and had only returned a few days when he was killed. While on his way home, and when traveling between St. George and Washington, he was met by a couple of acquaintances who warned him against returning, but he impulsively replied

"I MUST GO HOME AND SEE MY MOTHER IF IT COSTS ME MY LIFE!"

The murdered man was born and reared in Parowan, and at the time of his death was thirty-four years of age. Previous to being disqualified by the Edmunds law he held at various times the offices of county clerk, sheriff and constable, and filled all of them with marked ability. He also labored as a missionary in the Southern States, chiefly in North Carolina, for a period of fourteen months, returning in the latter part of 1882, being released sooner than he otherwise would have been, and much to his own regret, because of his being affected with chills and fever.

It will be noticed that one of the witnesses testifies that Thompson offered as a pretext for shooting that his gun went off sooner than he intended, out of a claim can have but little weight with those who are aware of his former recklessness, as well as the fact that he is thoroughly experienced in the use of fire-arms and one of the best marksmen in the southern country. When he went to arrest Peter M. Jensen, of Parowan, on the evening of the 11th of October last he found him darting out of his back door and running through the garden. Without knowing that he was the man he wanted or taking time to ascertain, he

FIRE HIS REVOLVER

at him, the bullet whistling most uncomfortably close to Jensen's head. In fact, it would probably have struck him if he had not been partially obscured beneath the shadow of the trees. Jensen stumbled and fell and before he regained his feet Thompson was close upon him, in fact, almost touching him with his pistol, which the fleeing man heard him cocking as if about to shoot again, when he concluded to stop and give himself up.

The shot which caused the death of Dalton entered the back of his left side and probably passed through one of his kidneys. He lived only about forty minutes afterwards, and, though conscious part of this time, was unable to say anything to comfort his aged and grief-stricken mother and heart-broken wives and children, who surrounded him as his life ebbed away. He leaves two wives and eight children, who, by the assassin's bullet, are at once deprived of a most loving and devoted husband and father and their only means of support. They are, however, surrounded by many sympathizing friends, who will, we feel sure, see that their wants are supplied as far as possible, and the God in whom they trust will not fail to administer to them the healing balm of the Holy Spirit.

The following extract from a letter written by the murdered man to his father shortly before he started from Arizona, and probably the last he ever penned, will serve to illustrate the nobility of his character, and certainly breathes anything but a vicious or retaliative disposition:

"I received your kind and welcome letter of the 2nd inst., and was very thankful to hear from and know that all were enjoying peace and prosperity. May the Lord continue His mercies unto you, and guard and protect you from all who are laboring against the cause of truth. I am in good health, for which I am very thankful. It is a hard trial for me to have to be absent from home and those that I love, and when I think of my family and how they are situated, that my boys are growing up and need a father's care, it is a hard matter for me to content myself, and I feel sometimes that I will go home and stay as long as I can, and when I am forced away by Uncle Sam's minions of the law, all right; let them be answerable for it. I feel that it is only a matter of time before all Saints will have to meet the issue and have the privilege of saying yes or no; it is natural for us to shrink from persecution and keep out of trouble as long as we can, but the time will come when there will be no shrinking for a Latter-day Saint, and when the fearful and unbelieving and those that love and make a lie will have no room in Zion; then the Saints will be permitted to enjoy the fruits of their labors and the society of the honest and true of all ages, and with those that we love, rest in the kingdom of God, where none can molest or make afraid."

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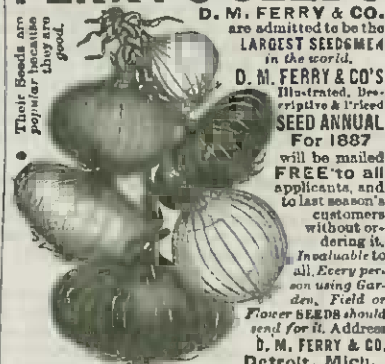
NOTICE TO CREDITORS.

Estate of William Squire, Deceased.

NOTICE IS HEREBY GIVEN BY THE undersigned, Administrator of the estate of William Squire, deceased, to the creditors of, and all persons having claims against the said deceased, to exhibit them with the necessary vouchers, within ten months after the first publication of this notice, to the said administrator at his residence in St. George, the same being the place for the transaction of the business of the said estate.

THOMAS P. COTTAM,  
Administrator of the Estate of William Squire, deceased.  
Dated at St. George, Washington County, Utah, November 23rd, 1886. w 4w

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SUMMONS.

In the Probate Court, in and for Salt Lake County, Utah, Territory.

Sarah Jane Stephens, Plaintiff,  
vs.  
John Edward Stephens, Defendant.

The People of the Territory of Utah send Greeting:

To John Edward Stephens, Defendant.

YOU ARE HEREBY REQUIRED TO appear in an action brought against you, by the above named Plaintiff, in the Probate Court of the County of Salt Lake, Territory of Utah, and to answer the complaint filed therein, within ten days (exclusive of the day of service) after the service on you of summons—if served within this county; or, if served out of this county, but in this district, within twenty days; otherwise within forty days.

The said action is brought to obtain a decree from this Court dissolving the marriage contract existing between said plaintiff and you, on the ground of wilful desertion and failure to provide plaintiff with the common necessities of life for more than two years last past, and plaintiff asks for the care and custody of the minor child, the issue of said marriage.

And you are hereby notified that if you fail to appear and answer the said complaint as above required, the said plaintiff will apply to this Court for the relief prayed for and cost of suit.

Witness the Hon. Elias A. Smith, Judge, and the seal of the Probate Court of Salt Lake County, [SEAL] Territory of Utah, this 3rd day of December, in the year of our Lord one thousand eight hundred and eighty-six.

JOHN C. CUTLER, Clerk.  
By H. S. CUTLER, Deputy.  
M. L. CUMMINGS,  
Attorney for Plaintiff. w 5t

LEGAL NOTICE.

In the Probate Court, in and for Salt Lake County, Territory of Utah.

In the matter of the Estate of John Doolittle, deceased.

Order appointing time and place for settlement of final account and to hear petition for distribution.

ON READING AND FILING THE petition of Samuel H. Rogers, Administrator of the estate of John Doolittle, deceased, setting forth that he has filed his final account of his administration upon said estate in this Court; that all the debts have been fully paid, and that a portion of said estate remains to be divided among the heirs of said deceased, and praying among other things for an order allowing said final account and of distribution of the residue of said estate among the persons entitled.

It is ordered that all persons interested in the estate of the said John Doolittle, deceased, be and appear before the Probate Court of the County of Salt Lake, at the Court Room of said Court, in the County Court House, on the third day of January, 1887, at 11 o'clock a. m., then and there to show cause why an order allowing said final account and of distribution should not be made of the residue of said estate among the heirs and devisees of the said John Doolittle, deceased, according to law.

It is further ordered that the Clerk cause copies of this order to be posted in three public places in Salt Lake County and published in the DESERET WEEKLY NEWS, a newspaper printed and circulated in Salt Lake County, three weeks successively prior to said 3rd day of January, 1887.

ELIAS A. SMITH,  
Probate Judge.  
Dated December 6th, 1886.

TERRITORY OF UTAH, ) ss.  
County of Salt Lake. }

John C. Cutler, Clerk of the Probate Court in and for the County of Salt Lake, in the Territory of Utah, do hereby certify that the foregoing is a full, true and correct copy of an order appointing time and place for settlement of final account and distribution in the matter of the estate of John Doolittle, deceased, as appears of record in my office.

In witness whereof, I have hereunto set my hand and affixed the seal of said Court, this 6th day of December, A. D. 1886.

JOHN C. CUTLER,  
Probate Clerk.

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