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TRUTH AND LIBERTY.

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THE DESERET NEWS CO.,
SALT LAKE CITY, UTAH.

FROM TUESDAY'S DAILY. AUG 14 1888.

Arrests.

On Thursday last Edward Buckley was arrested at Franklin, Idaho, on a charge of unlawful cohabitation.

Yesterday H. B. Williams was arrested at Ogden on a charge of unlawful cohabitation. He was placed under \$1,500 bonds to await the action of the grand jury. He has already served a term in the penitentiary. His plural wife was also placed under bonds.

John L. Jones, of Brigham City, who has also served one term in prison for living with his wives, is under bonds to await the action of the grand jury on a new charge of unlawful cohabitation.

Henry Barrett, of North Ogden, gave himself up yesterday. He is under indictment for unlawful cohabitation.

Probate Court.

Estate of B. F. Pendleton, deceased; order made appointing E. G. Woolley, Solon Foster and Adam Speirs appraisers.

Estate of Orson Pratt, deceased; order made appointing J. D. H. McAllister, D. H. McAllister and A. Young appraisers.

Estate of S. S. Walker, deceased; the following claims were allowed:

S. F. Walker.....	\$ 3,500 00
W. S. Thorne.....	71 00
Hogbe Bros.....	95 00
Bechtol & Sands.....	17 25
Salt Lake City Gas Company.....	38 20
Peoples' Forwarding Company.....	9 21
D. M. Osborne & Co.....	34 00
J. W. Eardley.....	63 49
H. Dinwoody.....	45 00
Phil Kipple.....	5 00
D. James & Co.....	15 00
A. Keyser.....	40 10
W. L. Pickard.....	60 21
Alta Club.....	50 21
M. H. Lippman.....	10 75
The Pacific Life Insurance Co.....	30,000 00
Sears & Liddle.....	35 00

Estate of Hulenora Symons, deceased; orders made admitting will to probate and appointing I. M. Waddell administrator upon filing a bond in the sum of \$2000.

Estate of B. L. Cutler, deceased, claim of the Old Jordan Mining and Milling Company for \$525 and G. F. Culmer & Bros. for \$10 10 allowed.

Estate of John Hazeldine, deceased; order made allowing executor's account.

IN THE COURTS.

Arrested for Adultery—Divorce Case—Lesser Offenses

HER THIRD VENTURE.

Before Judge Kane today Mary J. Warn Covington obtained a decree of divorce from Edward Covington, on the ground of cruelty. The lady tells a rather tale of the treatment to which she was subjected by her late husband, who is the third with whom she has ventured on the sea of matrimony. The last two have not been at all desirable as help-meets. Her first husband died several years ago, leaving her some property. About two years ago she was married to H. H. Hawthorne, who was proven to be an adventurer who had deserted a wife in England. He is now serving a term in the penitentiary for bigamy. After Hawthorne's incarceration Mrs. Warn married Covington, with the result stated.

THE SMALL FRY.

Sam. Robbins, of Lehi, complained to the police today that he had been robbed of \$70. He went out to the lake last night with a woman of shady reputation, and the result was that this morning he was out of all the cash he had in his possession. He says he doesn't know the woman's name or present whereabouts, so he is likely to be in equal ignorance regarding his money. The way in which he lost it brings him no sympathy.

C. W. Smith was arraigned in the Police Court today on a charge of battery. He is accused of having administered a severe castigation to his wife, and if her story is substantiated at the trial tomorrow afternoon, he will probably ruminate in a cell for a limited period.

Frank Vincent and John Henderson were fined \$5 each today for having been drunk.

John Fitzsimmons got drunk and behaved himself in a rather turbulent manner, for which he was fined \$7.50.

George Tate was assessed \$3.50 today for running his back after dark without the lamps required by ordinance.

H. Carlton is fresh from San Francisco, and is considerable of a "swell." Last night a crowd of boys "guyed" him at the depot, and he responded by some rather indelicate language. One of them, John O'Connor, had Carlton arrested, but at the trial this morning he was discharged, it being shown that the hackmen who made the complaint were the aggressors.

Frank Foreman, one of the hackmen, made an insulting remark to the court when Carlton was discharged. Foreman was brought back and fined \$5. It would have served him right if the court had sent him to jail for thirty days, to see if he would be a little less "cheeky." Strangers arriving at the depots are too frequently subjected to insults from such persons.

A VILE CASE.

David Graham is a non-"Mormon" who formerly resided at Benjamin, Utah County, but has lately removed to Union, Salt Lake County. His brother George is also a non-"Mormon," and is said to be now in Nevada. At 5 o'clock last evening, David Graham was brought before Commissioner Norrell on a charge of adultery, committed with his seventeen-year-old step-daughter, Sarah Tracy. Eight years ago he married Mrs. Marilla Tracy, a widow with two children, a boy and a girl. On July 10th the girl, now seventeen years old, and small and delicate-looking, gave birth to a child. She was placed on the witness stand at the examination, yesterday afternoon, and gave her testimony most of the time while she was crying. She stated that her step-father, David Graham, was the guilty person, and was the first to commit the heinous offense. She also stated that Andrew Stewart, a married man residing at Benjamin, Utah County, had been guilty once, but after her step-father. She claimed that she had been married by a justice of the peace, now in Nevada, to George Graham, brother of the defendant, and a married man. The ceremony took place in June last, in Parley's Park. Altogether the story she told showed a most deplorable state of morals on the part of the parties implicated. At the conclusion of her testimony the case was continued till this morning, and she was given comfortable quarters at the penitentiary for the night, as she was a stranger in the city.

This morning the case was resumed, and Mrs. Marilla Graham testified that eight years ago she was a widow; she married David Graham at Park Valley, Utah, in 1880; at that time he had two small children by a former wife, Catherine; she had left him two or three years before, having obtained a divorce; I am now his legal wife; am willing to testify against him; I have a daughter, Sarah, 17 years old past; we lived at Benjamin, Utah County, until recently; my daughter had a cold on July 10, this year; from last August to last October, she was living at our house; the only man there was my husband; I was absent in the latter part of October and the first of November, for 20 days; my husband, and Sarah and the children were home; my daughter went from home last April, and returned in June; I then discovered my daughter's condition; I suspected my husband of being the guilty one; he said he was innocent; I did not accuse him directly; my daughter told me what had occurred; she said she was married to George Graham, my husband's brother; he did not call to see her last fall; Andrew Stewart, a married man, came to see her; I don't like him at all; he is very insulting in his manner; I saw him kiss my daughter; he used to "gass" me about the girl; he said he wanted her for second, but I understood him to be joking.

George Tracy testified, but knew nothing material about the case.

The defendant said he had no witnesses to introduce. He said he had no property, and as the commissioner could not but hold him to the grand

jury of the First District, bail was fixed at \$1000. He was looking for bondsmen later in the day, and if he fails to find them will be taken to the penitentiary, where he spent last night.

FROM WEDNESDAY'S DAILY AUG 13, 1888.

Out of Prison.

Ephraim Briggs, of Bountiful, Davis County, was liberated from the penitentiary today, having served the term for which he was sentenced for living with his wives contrary to the Edmunds law. He paid the due assessed.

Cut Her Hand.

Oliveite, the 16 months' old daughter of William J. Buttle, of the Sixth Ward, met with a painful accident yesterday. Her four-year-old brother had the hatchet, and was chopping at some small blocks, when she came up and put out her left hand. The sharpened tool descended upon it, almost severing the forefinger, and cutting the second finger. Dr. Anderson dressed the wound.

Badly Lacerated.

Yesterday afternoon J. Hewitson, of Mill Creek, was in his field mowing hay. He was near the railway track, and was engaged in fixing the mower, when the afternoon train going south came along. His horses became frightened; and started off. Mr. Hewitson had his legs caught in the machine and was dragged a short distance, the moving knives at the same time cutting his limbs in a shocking manner. The train was stopped, and Dr. Richards sent for. He gave the injured man surgical attention.

Need Some Protection.

There is a gang of hoodlums who reside in the Fourth and Fifth wards, south and west of the corner of Second West and Sixth South streets. They make night hideous for the people who reside in that neighborhood, and frequently destroy property by breaking windows, etc. One gentleman, over eighty years of age—James Albion—and his wife seem to be especial subjects of their vandalism, and the home of the old people is disturbed almost nightly. Not content with kicking at the doors, shooting, etc., on Monday night they proceeded to break the glass in the windows. The annoyance to which this aged couple, and other people in that vicinity have been put has lasted over a period of several years, and the matter should receive the special attention of the police till the gang of hoodlums is broken up.

BURGLARY.

Scott & Co.'s Store Opened by Thieves.

George M. Scott & Co.'s store on Second South Street was burglarized some time during last night. Ingress was gained by the back window after climbing the back yard fence. The thieves made their exit by the same means. A showcase was opened and a quantity of razors and knives of considerable value were taken. The exact amount stolen is not yet ascertained. The burglars also took the contents of the cash till, which they had broken open with a carpenter's chisel. The tool was left on the counter by the plunderers. It was plain from evidences unmistakable, that two cracksmen were engaged in the job.

PIKE'S SHOOTING.

Witnesses Relate the Story after Twenty-nine Years.

There were quite a number of spectators, including several ladies, in attendance at Commissioner Norrell's court this morning, at the preliminary examination into the charge of murder made against Howard O. Spencer and George Stringam. Mr. Spencer was brought from the penitentiary in irons, and shortly after 10 a.m. was ushered into the court room, where he sat conversing with his attorneys, Le Grand Young, Arthur Brown and Joseph L. Rawlins. Bishop H. B. Clawson, partly on account of whose absence the case had been postponed, was present. Dr. W. F. Anderson was not in the court room, but it was understood that he was so far recovered as to be able to come when he should be needed on the part of the defense.

George Stringam sat apart from the others when he was brought into court. His long beard has been removed, but the change in his general appearance is but slight, though his own lawyer did not know him. He had a dark red handkerchief tied around his head.

James Gordon, James T. Little, Stephen Taylor, A. Williams, Henry Heath, W. L. Pickard, Wm. Appleby, Truman Swartout, H. J. Faust, Mr.

Eather, Edwin Frost, B. J. Beers, George Albright and Arthur Pratt were called as.

WITNESSES FOR THE PROSECUTION.

Messrs. Gordon, Appleby, Frost, Swartout and Pratt answered to their names. Some of the others sent excuses, saying they would be on hand within a short period.

District Attorney Peters stated that he would not like to proceed until Stephen Taylor, Mr. Eather, Dr. Faust, Mr. Pickard and Henry Heath were present, and asked that an attachment be issued for them. His request was granted. Messrs. Taylor and Heath came in shortly after.

Mr. Elijah Scamons had been brought in from the penitentiary as a witness for the defense. He is now serving a sentence of six months under the Edmunds law. He was an eye-witness to the terrible assault made by Sergeant Pike upon Mr. Spencer, at Rush Valley, in March, 1859.

It was 11 o'clock when the examination commenced.

JAMES GORDON

was the first witness called. He testified—I live in Mill Creek; have been there about 40 years; am acquainted with Howard O. Spencer; knew him when he was a boy; have known Geo. Stringam 30 or 35 years; did not know Sergeant Pike; I have seen him, the first time when he was in charge of the officers, coming to the city to be tried; he was with Lieut. Gordon, Colonel Crossburn, the doctor and some others; they stopped at my house six miles from the city; this was in 1858 or 1859; I next saw Sergeant Pike at the Salt Lake House, in this city; he was lying on a bed; was invited in by the doctor, who said Pike could not live long; that was the day after he had been at my house; I think I saw him next day; he was dead; I did not see his wound.

To Mr. Brown—Col. Crossburn was a military officer; Pike was being brought in from Salt Lake City; the army surgeon attended Pike; Pike was of medium height and dark complexioned; I believe he had a mustache.

To Mr. Young—There were quite a number of men with Pike at my house; Pike was in uniform.

STEPHEN TAYLOR

was the next witness. He testified—I live at Mill Creek; in 1859 I lived in Salt Lake City; I know where the Salt Lake Hotel was located; have known Howard O. Spencer since 1848; have known George Stringam about the same length of time; did not know Sergeant Pike; never saw him that I know of; I remember his death; I saw Spencer and Stringam about that time; I used to see them every day, and think I saw them on the day of the shooting; think I saw Stringam just after the shots were fired; I did not see the difficulty; heard the shot; Stringam was across the street, west, at the time of the shooting; Stringam said to me, "Pike is in town, and there will be some trouble between him and Spencer;" this was not more than five minutes before the shooting; I cannot give the exact language; he said they were bound to meet, and I said "I guess not;" he said, "You'll see," and we parted; I had heard of Spencer having been hurt by Pike; I did not see Spencer just before the shooting; Stringam pointed out the soldiers to me; after the shooting I saw a man I took to be Spencer; I was 100 yards away; the man was crossing the street; he was running westward from the Salt Lake House; he had a pistol in his hand; I had heard the shot, and turned and went back to the alley where the man disappeared; a crowd of men pursued him; there were half a dozen soldiers, a deputy marshal and others; heard the crowd shout "Stop him;" I suppose they meant Mr. Spencer; I did not see Mr. Stringam after the shooting; I was in the pursuing party, to Sixth West Street, but could not catch the man; I went back to see who was shot, but they would not let me go into the house; I had conversed with Spencer a day or two before the shooting; John Y. Greene came to me first; I went to Mr. Spencer and said to him that those parties who had injured him had come in; and that if I were in his place I would not interfere with him; I referred to Pike; Mr. Spencer said he did not think the court would give him any justice; there was a plan to get Pike off, and he had a lot of his "palls" with him; I advised him not to do anything desperate; he said, "I will see about it;" he did not say he would injure Pike; I had gone at the request of a friend; that is the only conversation I had with him about it, either before or since; I have talked with Stringam, but could not say what it was; the shooting took place in August, 1859; I was a policeman at the time; Mr. Spencer was not arrested, and it was generally understood the matter was quashed.

To Mr. Young—The day I visited Mr. Spencer may have been the day of the shooting; I think the court was in session on that day, the soldiers who joined in the pursuit were armed; I think the man who ran was Mr. Spencer; he once turned to face the crowd, and then started off again; I could be deceived in its being Spencer, but I think I knew him; he never attracted Pike; his head hurt him terribly, and he seemed unable to control himself; he was full of revenge for the injury he was suffering, and was far beyond any rational control of himself; he was excited.

To Mr. Peters—I was told that Pike was shot, but never saw him; do not know where Henry Heath was at the time.

HENRY HEATH

next came forward and testified—In 1858 and 1859 I lived in Salt Lake; knew H. O. Spencer and George Stringam then; remember the shooting of Pike in August, 1859; I was at Jennings' corner when the shot was fired; saw Stringam a short time before, opposite the Salt Lake House; he was alone; I saw soldiers after the shot was fired; they were in Martin's alley; they were in pursuit of the man who fired the shot; I did not go immediately, for it was not an uncommon thing to hear shots; I saw the wounded man being carried into the hotel; there was a big crowd there; there was terrible excitement, and for a time there was a prospect of further bloodshed; I did not see the man who was being pursued; I never conversed with either the defendants about the shooting.

To Mr. Brown—I did not notice the soldiers before the shooting; Jeter Clinton was a magistrate at the time; Judge Sinclair was United States Judge; Dobson was United States marshal; the United States court was in session the day of the shooting, I believe; nearly every man on the street had a six-shooter, and I tried to allay the excitement; everybody went "heeled" in those times.

WM. APPLEBY

testified—In 1858 and 1859 I was in Salt Lake; I remember the shooting of Sergeant Pike; knew Spencer and Stringam at that time; did not see or hear the shooting; I was over a block away, in the lot; I was irrigating, and saw two persons jump over the fence and run into the corn field; they were Howard Spencer and Alma Williams; I heard of the shooting some time after; Spencer was in the front; Williams was within three or four steps; I saw no one pursuing them; it was three or four hours after that, when I heard of the shooting; never talked with Spencer, Williams or Stringam about the shooting.

To Mr. Brown—My lot was west of the present Continental Hotel; they went into the corn in our lot; I knew the men, but did not speak to them; did not know why they were running; Charles Sinclair was United States judge; he held court at the Social Hall; later he moved court to the place now occupied by Tuft's beer saloon.

Court took a recess till 2 p. m. On resuming the examination this afternoon, at 2:25,

STEPHEN TAYLOR

was recalled and in reply to Mr. Peters said—The revolver I saw in Mr. Spencer's hands I could not describe; it was about the size of a common belt pistol—say about nine inches in length; I was too far off to say definitely; only one shot was fired.

GEORGE ALBRIGHT

testified—I am guard at the penitentiary; I heard Mr. Spencer and Mr. Stringam talking while in custody; Stringam said, "Howard, what are you going to do in this case?" I did not understand Spencer's answer; Stringam said "What are you going to plead guilty?" Spencer replied "Yes, I am going to plead guilty, and get through with it;" this was on the 7th of August; that was all that was said on the subject; they had been kept in separate cells; I came from Columbus, Ohio, to go into employment at the penitentiary.

To Mr. Young—Mr. Spencer was also charged with unlawful cohabitation; I supposed he meant the killing of Pike; he said the night before that if the grand jury had done its duty years ago he would have been through with this; he didn't say when he would plead guilty, or to what charge, but I took it to be the killing of Pike.

To Mr. Brown—I used the language Spencer did; I could not hear all that was said; I have not heard Mr. Franks talking to Mr. Spencer; did not see the warrant served; I had heard the warden charge Spencer with the murder of Pike; I did hear Officer Pratt talking to Mr. Spencer; I don't know what was said; did not hear Warden Pratt charge Spencer directly with the murder.

ARTHUR PRATT

was the next witness, and his testimony was being taken when the News went to press.

LATER—One other witness, Truman Swartout, gave his evidence and the proceedings were brought to an abrupt termination.

Mr. Spencer was admitted to bail in the sum of \$5,000.

Mr. Stringam's bond was fixed at \$5,000, but he had not obtained sureties this afternoon.