

riedly answered, "Oh, that is my grandson, and I forgot to tell you last night that he walks in his sleep!"

I told her I had already made the discovery, but not until I had used him rather roughly, in the belief that it was her boarder I was dealing with, and that force was necessary. With concern depicted on her countenance, the good old lady entered the bedroom and aroused the youth to learn how he fared, when he awoke with a start and exclaimed, "Oh, grandma, that Richardson came here last night and almost choked me to death!" "No," said the lady; "you mistake; it was Brother L—— who choked you, and he supposed you were Richardson." He felt so abashed on learning of this fact that he avoided my presence during the remainder of my stay in the settlement.

The justice of the peace and constable were up early looking for the fugitive and discovered him just as day was breaking making his way out of town. He was arrested, brought back and lodged in a cellar, where at a later hour, in company with the Bishop I interviewed him. The ingenuity for which he was noted was displayed in the defense which he made when he was reproached for having deceived the people among whom he had found refuge, as to his name and character. "I gave you," he said, "my name as Richard Richardson, which is strictly true. My name is Richard, and my father's name was Richard, so I am Richard, Richard's son."

The sheriff of the distant county from whose custody the prisoner had escaped, soon arrived and took his man back with him, and in course of time he stood his trial, was convicted, and served a term in the penitentiary. Since that time he has led a reformed life and to a great extent established a character for himself which I have no desire to injure by mentioning his real name. Should he read this sketch he will doubtless readily recognize the part he played in the circumstances narrated, but the encounter I had with the somnambulist and the mutual misunderstanding alluded to will probably be new to him.

G. C. L.

WANTS A PARDON.

ON Monday, Dec. 31, there were filed in the office of Secretary Hall, the papers in the matter of the application of John T. Harrington,

convicted of murder in the second degree, asking that Governor West issue a pardon in his favor. Harrington was convicted of being one of the leaders in the Eureka lynching affair, early in July, 1886, when a man named Fischer was taken out of jail and hanged by a mob. The affair created considerable excitement at the time, from the fact that there was considerable doubt as to the justice of Fischer's punishment, as well as condemnation of the method by which his death was brought about. At the trial in Provo the case was stubbornly fought, and resulted in the conviction of several of the lynchers, who were sentenced to various terms of imprisonment. The application for executive clemency is as follows:

"To His Excellency Caleb W. West, Governor of Utah Territory:

"We, the undersigned, residents of the State of Colorado, hereby certify that we know John T. Harrington, who was convicted about the month of July, 1886, in a court in the Territory of Utah, for the lynching of one Fischer, and who is now in the Penitentiary of Utah Territory under the sentence imposed on him resulting from said conviction. We know said John T. Harrington as a resident of Gilpin County, Colorado, for some six years, from about the year 1878 to 1885, and we know him to be a young man of good reputation. He was a miner by occupation; was industrious, truthful and peaceable; in brief, was a good citizen during his residence in said Gilpin County, Colorado."

The signers of this document are Alvin Wood, attorney-general of Colorado; J. M. D. Lindsay, ex-district attorney of the First Judicial District of Colorado; G. C. Snyder, mayor of Black Hawk, and quite a number of officials and prominent men of Gilpin County, Colorado. Recommendations for clemency came from Judge Henderson, who presided at the trial, and Ogden Hiles. A statement that they believe the ends of justice to have been served was signed by six out of the twelve jurors who convicted Harrington. The six jurors are Joseph Hatch, W. P. Bennett, Lewis S. Robinson, T. E. Thurman, Allen House, and C. H. Karren.

The document was placed in the hands of the Governor several days ago. Learning of this, Marshal Dyer submitted the following protest:

"To His Excellency, Governor Caleb W. West:

"Sir—I am informed that there is now a petition on file with you, asking for the pardon of one John T. Harrington, who was convicted in

the First District Court of murder in the second degree, and sentenced to seven years' imprisonment. It has been represented to me that this man is paying a certain amount of money for the purpose of securing his pardon, and that certain lawyers have represented to him that they could secure a pardon for him for a certain amount of money—amount unknown to me.

"I am not personally aware of these facts, but state them as they are stated to me, and I am sure that no pardon should be granted (if it is being at all favorably considered by you) until the matter is fully investigated. Under the circumstances, I respectfully enter this my protest against any pardon until such investigation is had.

FRANK H. DYER.
U. S. Marshal."

The money referred to was \$100 which had been placed in Warden Pratt's hands by Harrington, with instructions that it be paid to his attorney, Geo. Sutherland, of Provo, when the pardon was secured. The attorney's attention was called to the Marshal's protest, and the following reply was made:

"Caleb W. West, Esq., Governor,

"My Dear Sir—With reference to the statement contained in Marshal Dyer's letter to the effect that a certain sum of money has been placed in the hands of the Warden at the Penitentiary to be paid to lawyers in event of a pardon being granted to John T. Harrington, I have to say: About eight or nine months ago Harrington asked me to make an effort to procure a pardon for him. I told him that I would do so, but that he must pay me \$100 to cover expenses in working on the case. He agreed to write to friends in Colorado to procure the amount, and I immediately entered upon the work of getting recommendations from jurors who tried the case when he was convicted, many of whom I went to see personally; getting petitions from Colorado, etc., I made one or two trips to Ogden and elsewhere in his behalf. About two months ago I received a letter from Harrington, or some one on his behalf, saying the \$100 had been received and had been placed in the hands of the warden and would be paid to me when the work was completed. I paid little attention to this, and if I made any reply I do not remember what it was. It was the definite understanding all along, however, between Harrington and myself that this money was to be paid to me for expenses, and in any event. I saw Harrington today and he admitted this to be the case, and paid the money to me. Neither Mr. Thurman nor I is to receive anything whatever contingent upon the pardon. I refer you to Mr. Pratt, warden of the 'Pen.'

"Trusting the foregoing will be sufficient by way of explanation, I am
Very truly yours,
GEORGE SUTHERLAND."

Thus far the Governor has taken no action in the matter. The ex-