

home was in Alta on the 9th of this month, near the head of the main street; he was living at Jake Sam's, or "Old Jake's;" there is a small shanty near-by; it was occupied by a Chinese couple, "Big Jim" and "Chinese Mary;" the shanties are about 20 feet apart; I was called to "Big Jim's" on Monday, the 10th, at about 8:30 p. m.; a Chinaman came to the store and asked me to telephone to Salt Lake to Queg Wong Sing, to have "Big Jim" get a horse and come to Alta at once; I asked what was the matter; he said there was something wrong with "Chinese Mary"—that Jake said he thought she was dead; I questioned him, and being satisfied there was something wrong, requested Mr. Davies to take some men and go up, and if necessary break in the door; he did so, and reported that the Chinawoman was killed; I went up to the shanty; I saw the dead woman on the bed, partially covered; I saw two wounds, one near the heart and the other on the right side, near the stomach; I judge she had been dead 24 hours; there was blood on the floor and bed, or bunk; I came back and telephoned to Marshal Dyer, on Sunday night, about 9:30 o'clock, I was at the store, and chanced to look up the street, and saw two men, with lights, come out of "Chinese Mary's" house and go into Jake's.

To Mr. A. G. Sutherland, counsel for the defense, Mr. Wallace said the defendant had been around continually for three months or more, before October 9; he had been employed as cook at some of the mines; I saw him on Friday, the 7th, when I cashed a check of \$40 for him; he said he was going to Salt Lake that day; did not say he was going any further east or west; Ah Sue is the name of the Chinaman who asked me to telephone for "Big Jim;" the latter is called Sun Yow's or "Chinese Mary's" husband; I saw Jake in his house on Monday evening.

B. L. Davies testified—I live in Alta, know "Little Charlie," "Old Jake," "Big Jim" and "Chinese Mary" by sight; when I went up to "Jim's" house from the store, the place was locked; I directed one of the men, John Smith, to break one of the doors in and he did so; we went in and then passed through a side door into a room where "Chinese Mary" was on the bed, dead; she was lying as though she had been carelessly thrown there; the wound near the heart went clear through the body; the one on the right side also extended through; there were five wounds on the right side of the neck, below the ear; all the wounds were evidently made by a weapon about a quarter of an inch in diameter at the thickest part; the candlestick generally used by miners is about ten inches long; there is a loop or eye for a handle at one end; the other end is quite sharp; it tapers back till it appears as a piece of steel about three-eighths of an inch square; I think the wounds were made by such an instrument; there was considerable blood about. (Mr. Davies presented a diagram of the house, 10x29 feet; the house was divided into three rooms and a hallway; the two larger rooms were 6x8 feet.) The body was in the southwest corner of one of the large rooms; there was blood in the hallway, near the back door; it had evidently been wiped up; it covered a space of about 12 by 18 inches; her clothing was saturated with blood. (Some of the clothing was produced and identified. A miner's candlestick was also produced; it is easier handled than a knife in stabbing a person.) We had been told that there had been a scuffle, and saw evidences of it; I found the earring torn from the woman's ear; the ornament was broken; Jake was in the house on Monday evening, some time after we found the dead body.

At 1 p. m. recess was taken. After recess the cross-examination of Mr. Davies was resumed, but nothing new was elicited.

"Big Jim" was the next witness, and told how Ah Gung learned that he had money in his house. He was on the stand when the News went to press.

**FIRST DISTRICT COURT.**

**Arraignments—The Eather Case—Business at Ogden.**

Yesterday at Provo the following defendants charged with unlawful cohabitation, entered pleas of not guilty: Bishop J. P. R. Johnson, H. H. Cluff, George Jagers pleaded not guilty to the charge of fornication, and his bail was reduced from \$1,500 to \$500.

Orlando F. Herron was called for sentence for unlawful cohabitation. He was sentenced to six months' imprisonment and a fine of \$50.

Isaac Healy, for assault, was sentenced to three months in the county jail.

Henry A. Noon was sworn in as bailiff.

Assistant District Attorney Clark came down this morning and is assisting in the prosecution of Eather.

The case of Eather was then proceeded with. James Donahue was further examined: There was no effort to prevent Eather from shooting; I thought him in fun; Flaherty sat on the bed with his hands folded when Eather came within three feet of him and shot him. When Eather came into the saloon that afternoon he said: "Hello, you old bastard." I then said: "Hello, you s— of a b—," was in fun; Eather may have been angry; the second time he called me a G— d— bastard.

At 2 p. m. in the Eather case, long arguments took place as to the admissibility in evidence of the statements made by defendant to Mr. Reno, when applying to him for work. The jury were excluded. The statements showed that defendant enquired about who had been talking about him, and told witness that if "any of them d— Irishmen talked about him he would kill them," and that "he had a gun for that purpose." The statement was made some ten days before the homicide.

The defense maintained the statement did not include deceased. The court ruled that if the threats went to show malice, they ought to be received; but there was no evidence to show a gratification of malice in the case, and the testimony was inadmissible in the present state of the case.

Mr. Reno cross-examined; he paid no attention to the shooting. R. V. Toney testified to being called to go to Mammoth Hollow the night of the 7th; saw deceased there and Donahue lying on the bed with him; held an inquest next morning, as justice of the peace for Eureka. Donahue was apparently asleep on the bed; saw bullet holes and blood, as previously testified to.

John Leech testified—Resided near the Mammoth mine; when there, he and Dillon occupied the cabin; rented it of Mr. Wheeler; Eather got permission of Dillon to sleep there a few nights, and stayed longer; related the circumstances of the shooting as heretofore stated.

Before Judge Boreman at Ogden: Yesterday, in the case of the United States vs. John Farrell, for unlawful cohabitation, a verdict was rendered finding the defendant not guilty.

Andrew G. Stromberg, who had previously pleaded guilty to a charge of unlawful cohabitation, was sentenced to imprisonment for six months, and to pay a fine of \$100 and costs.

The same gentleman had also pleaded guilty to a charge of adultery, alleged to have been committed with his plural wife. But before sentence was pronounced, C. C. Richards, Esq., attorney for the defendant, made a brief statement to the court. He said that Mr. Stromberg was indicted in June, 1886, for unlawful cohabitation; but the officers did not then arrest him because they supposed he was in hiding. In reality, the gentleman had been at his home continuously and made no effort to evade the process of the court. Indeed, he had no idea that he had been indicted. His arrest did not take place until June of 1887, when the officers seized him in the night or at an early hour of the morning at the residence of the plural wife. Practically this was but one continuous offense of unlawful cohabitation, covering the periods previous and subsequent to the indictment of 1886. Under these circumstances, Mr. Richards asked the leniency of the court for the defendant, and was supported in the request by District Attorney Peters. Taking these things into consideration, the court sentenced Mr. Stromberg to imprisonment for the term of six months upon the charge of adultery.

J. P. Emerson vs. C. W. Hestmark, motion to dismiss the case offered and denied.

United States vs. B. C. Critchlow; unlawful cohabitation; a plea of not guilty entered.

United States vs. John Jenkins; unlawful cohabitation; defendant arraigned and pleaded guilty. Sentence on Nov. 19.

Accounts of U. S. Commissioner L. R. Rogers approved.

United States vs. Ole Hansen; order overruling motion for a new trial. Sentence postponed to Nov. 19.

United States vs. Christian Hansen, sentenced to six months' imprisonment and to pay a fine of \$300 and costs.

The case of the United States vs. James Christensen, on application of the United States District Attorney, was continued for the term.

The case of the United States vs. James Hansen was also continued.

United States vs. James Hancey, continued for the term.

Michael Wahlen vs. Geo. F. Seager, continued for the term.

FROM SATURDAY'S DAILY, OCTOBER 29.

**Probate Court.**

Proceedings in the Salt Lake County Probate Court yesterday:

An order of publication of notice to creditors in the matter of the estate of John Taylor, deceased, was made.

In the matter of T. Hofer, deceased, proof of posting notices for hearing petition for letters of administration, counter petition and order appointing time for hearing petition, the 30th of November, were filed.

In the matter of Anna Jenkins, deceased, proof of publication of notice to creditors, and the decree showing that due and legal notice had been given, were filed.

In the matter of the estate of S. S. Walker, deceased, an order appointing appraisers was made; the certificate and oath of the appraisers, J. W. Greenman, L. B. Rogers and Jesse W. Fox, Jr., were filed; an order of publication of notice to creditors was made, and the appointment of Matthew H. Walker as one of the executors was subscribed to, and letters testamentary issued.

**A Stealing Case.**

A short time since several instances of stealing occurred at Provo and vicinity. A number of clotheslines were stripped, log chains carried away, and quantities of produce and other articles too numerous to mention disappeared from the premises of several citizens. Sheriff Turner took the matter up, unearthed the stolen stuff and found the thief, who turned out to be Levi Holdaway, who had been assisted by a confederate. Both were placed under arrest.

Holdaway, who resides about three miles south of Pleasant Grove, belongs to a highly respectable family, there never having been anything known against any other member of it. All the others are esteemed for the high character they bear, and they feel much mortified over the conduct of Levi, who is now in the Provo jail serving out a sentence under one of several charges that hang over him, he having been engaged in ten distinct cases of petty larceny.

**A Bad Man.**

W. C. Crandall, the St. Louis sharper, who is under arrest for embezzlement, when taken before Judge Zane on a writ of *habeas corpus* yesterday afternoon, was discharged from custody owing to some irregularity in the papers. He was released, and Sheriff Burt started to get out other papers. While at this Crandall's attorney endeavored to intimidate him by threatening to sue him for false imprisonment if a new arrest should be made. The sheriff was not to be bluff, however, and put some of his deputies on Crandall's track. The latter, when he got to the corner of East Temple and Third South streets, endeavored to get out of reach of the officers, and a lively race followed. He started eastward on the run and after going a block, took across lots, jumping fences, hedges, etc., in a manner that would do credit to an acrobat. Deputy Sheriff Pickett and others kept up with him, however, and the pursued and pursuers went better skelter through lots and orchards for nearly three miles until Crandall got to Mr. Glimmer's place southeast of the city. There he was overhauled by Sheriff Burt with the warrant of arrest and was brought back and lodged in the city jail. The St. Louis officer will get here to-night. Crandall says he will contest the legality of the requisition papers.

**NARROW ESCAPE**

From a Shocking Accident on the S. L. & F. D. Railway.

This afternoon Mr. John Walsh, of the Tenth Ward, was driving along Tenth East, between Fourth and Fifth South streets, having three of his children in his wagon. The smallest child was in his arms. At the crossing over the Salt Lake & Fort Douglas Railway there is a cut for the track and a neck of ground for the wagon road. Just as Mr. Walsh reached the crossing the train came suddenly upon him, giving not the slightest warning of its approach, that could be heard. Mr. Walsh was caught in such a position that he was compelled to drive across the track rapidly, and in doing so a little girl was thrown out of the wagon. Fortunately the child clung on to the wagon long enough for her to fall clear of the railway track, and just as the locomotive came past. The escape was a very narrow one, and prompt measures should be taken at once to prevent such occurrences in the future. Mr. Hall, who was in a wagon immediately behind Mr. Walsh, heard the latter call out and wondered what was the matter until he saw the train, of which he had heard nothing, come into view. The engineer slowed up, but had the child fallen on the track nothing could have prevented a terrible accident.

**FIRST DISTRICT COURT.**

The Eather Case Continued—The Prosecution Rests.

John Leech gave further testimony. After they had all taken a drink around Donahue said to Eather: "Oh you bastard, you can't shoot." Eather went out and returned at once with two pistols; handing one to Donahue he said: "Now G— d— you, defend yourself." Witness took the pistol from Donahue, looked in the barrel, and remarked that there was no load in it and asked: "Why do you give a man an empty pistol to defend himself with?" He fired at Donahue, and the light went out. When I had got another light the second shot occurred. Eather went out and halloed: "Jack, for God's sake, come and save me." He then came in and prostrated himself over the body of Flaherty and cried.

To defense—We were all at the saloon in the afternoon; did not hear Eather and Donahue talking; Eather and I left the saloon between 5 and 6 o'clock and went to the cabin. I laid down and went to sleep. Gil Johnson was there, and left about 6 o'clock. Bert, Donahue, Flaherty and myself were in the cabin together, but Bert was not in the same room. We were talking a good deal; don't remember much about what the conversation was; conversed together about two hours and then Eather came in the room where we were. I made the excuse to the boys that I was sorry I had no liquor to treat them with, and asked Eather to go after some, giving him a twenty dollar gold piece, the smallest change I had; would not swear we were not talking about Eather while he was gone, but don't think we were; only that I said to the man who came in to sit down, that Eather was gone after whisky, and we would have a drink when he returned.

**WITNESS DENIED**

that there was any such statement made as, "Let's kill the s— of a b— tonight; he's an account anyway." Did not hear any such conversation anywhere. A man came in while Eather was out; think it was Johnson; I told him to sit down, as Bert had gone for some whisky, etc.; he went out again before Bert returned; it may have been he who returned first soon after the shooting; I saw two pistols under the head of Bert's bed that morning and asked Dillon whose they were; he told me they were Bert's and that one was out of repair and no good.

Joseph Blochet was called, but his testimony was ruled out. It related to threats made some weeks before by Eather.

Dr. Simmons testified that the effect of the shot would be to produce instant death.

The prosecution rested their case here, but the defense said they wish to recall some of the witnesses for the prosecution.

Hyrum R. Polk and John D. Ycune, soldiers from Emery County, were arraigned on a charge of grand larceny; both pleaded not guilty.

Jacob Scharrar, was arraigned; unlawful cohabitation; pleaded not guilty.

Levi Holiday et al (two of his assistants) were arrested yesterday, the former at Pleasant Grove, and his aids at Deer Creek, American Fork Cañon, for having stolen goods in their possession. All these were placed in jail for safe keeping. The goods are those taken from sundry clothes lines in Provo lately, besides some wagon fixtures, and log chains. A number of complaints are against them.

**FIRST DISTRICT COURT.**

The Line of Defense in the Eather Murder Case.

The defense in the Eather case opened on Saturday. The first witness was J. M. Wheeler, who testified to there being no clock in his saloon and that there never has been.

The testimony taken before the Commissioner was received in evidence so far as it was relevant and could be used for impeachment and argument.

Benjamin Bachman, Jr.: Am deputy clerk of the court. Witness stated the names of the Tenth lynchings, from the record, the object being to show their relation, and the prejudice that grew out of that against the defendant Eather.

David Evans testified to Eather being a witness in the lynching case. The question was objected to as to whether he (Eather) was a competent witness in this way. The Court sustained the objection.

Ogden Hiles said that Eather testified to the main transaction in the lynching case; said he thought Tim Driscoll was there, and Dan S. Hildes, at the lynching. Don't think Eather recognized Mr. Savage as being there, nor Flaherty, Coffey or Donahue.

John Leech—Was acquainted with none of

**THE LYNCHINGS**

that he knew of, but noon close questioning said he knew Phil Green; got acquainted with him in Nevada; it was not the same Green he knew at Park City, and he did not mean to infer so before the Commissioner; know John T. Swails and Tim Driscoll, and have got acquainted with Driscoll since. At first witness denied that a conversation took place between himself and some men in Eureka, but when his testimony was read to him that was taken before the Commissioner, he said it was true, and that they had said, when talking about the lynchings, that "those poor fellows went to the pen on the perjured testimony of Eather." Witness said that during a conversation with Donahue he said that he scopped six pistols twice at Bert and if it had gone off he would have got him.

The prosecution—I said: "He first came pretty near getting me, then I sniped twice and would have got him if the gun had not gone off."

John Dillon—I live at Mammoth Hollow; occupied a portion of the cabin where the homicide occurred; had occupied it over two months; Eather had occupied it with me about six weeks; I know Donahue, Leech and Flaherty; did not see Flaherty on the 7th; he was never at the cabin that I know of; I went to the cabin to sleep after dinner and awoke about four o'clock; saw Bert Eather and

Gil Johnson come in; after Bert went out in a short time, I heard a conversation in a room occupied by Leech; knew Donahue's voice, and heard him say: "He's no good any way;

**LET'S KILL HIM;**

I can kill that man, can get away with him any time." He repeated it several times, and Leech said: "I'll have no such racket here tonight; I know that boy's father twenty years ago." It seemed like there was a third party in the room; they were talking as drunken men. Bert came in after about half an hour with some liquor; I left about five o'clock to go to supper and heard Donahue and Eather cursing each other; could not understand what they said. When Eather and Johnson first came in my room, Eather called attention to two pistols under the head of the bed and said: "There's enough battery for any thing that might 'arn up." He off-red one pistol for sale to Johnson; it was not loaded. I said to Eather: "You'd better take care of L. Lee tonight as he is drunk." Eather said he would see that he did not leave the cabin that night, and that he had about thirteen dollars of Leech's, and would keep it till morning.

Thomas P. Lewis testified to finding a bullet on the back of the bunk and a bullet hole in the boards.

U. S. Deputy McLolly testified to examining the premises; that he found two bullet holes in the cabin, one on the east and one on the west end, (showing three shots had been fired.)

An order was entered releasing N. E. Darline from the pen, as the grand jury had ignored his case; grand jury.

N. H. M. Johnson applied for and was refused citizenship; was unable to say whether polygamy was right or not.

Fauchs Boyer was arraigned and entered a plea of not guilty; charge, unlawful cohabitation.

**Sudden Death.**

About 10 a. m. Monday (Coroner Taylor) was notified by telephone that a man had just dropped dead on Eighth East Street, between Third and Fourth South. On investigation it proved to be a Jacob Stadelman, who has for some time past been engaged in the milk business in this city. He was a German, thirty years of age, who came to this country from Wartenburg about seven years ago, since which time he had resided in this city. It seems that for years he has suffered more or less from rheumatism, having been thus affected before he emigrated; and that latterly he had been a great sufferer from this complaint. Two weeks ago he had a severe attack of it and for the past week he had been confined to his bed. This morning, however, he arose and dressed himself and was sitting in his chair reading when about 10 a. m., he fell forward upon his face and almost instantly expired. The week before last Dr. Ewing had attended him and last week he received the professional services of Dr. Hall. His sudden death caused great affliction in the household, although there seemed to be no question as to its cause, it being attributed to rheumatism of the heart. He leaves a wife and one child.

**Improved.**

We are pleased to learn that the latest intelligence from John H. Latimer, who recently met with a terrible accident at Bay Horse, Idaho, was more encouraging. He had partially recovered sensibility, although unable to speak. Mrs. Latimer, the young man's mother, who resides in the Eighteenth Ward of this city, has gone north to be at the bedside of her son.

**A SINGULAR SHELL.**

The Arizona Gazette contains this moderate paragraph: "A Gazette man called at Dr. Wharton's yesterday and was shown a shell on which were inscribed some Egyptian characters. This article was picked up on a farm in this valley. I was probably used as a spoon or some ancient to eat his meals with." Now comes the question, How came this shell to have the Egyptian characters inscribed on it? If the theory be correct that the article is of ancient date, it follows that the particular ancient individual who did the engraving was familiar with the making and meaning of Egyptian characters; and if he was educated in that direction it is not too much to presume that many of his contemporaries possessed similar attainments. May other articles, some of them in the form of small tablets, with the same kind of characters engraved on them, have been found in various parts of the country, especially in Mexico and Arizona. Their antiquity was beyond question, every indication showing that they date by long periods the Spanish invasion under Cortez. There is a coincidence between these facts and that of the plates obtained by Joseph Smith, containing the history of the neck of people who pre-announced the American continent, being engraved in the "Reformed Egyptian" characters. Every now and then discoveries are made that indicate the authenticity of the Book of Mormon.