LOCAL NEWS.

FROM THURSDAY'S DAILY, JAN. 21

Fire.—At 3 o'clock this afternoon the alarm of fire was sounded, the cause being at the D. & R. G. W. Hotel, on Fifth West Street. The damage done was slight.

Narrow Escape.—This afternoon a gentleman was watering his team at the trough near the southeast corner of the Temple Block, when the horses became frightened and started to run away. When they reached the corner one animal ran each side of the telegraph pole, and the wagon came in collision with the curbstone. A gentleman passing rescued the driver, who had got between the horses and become fastened in the harness. Had the animals not met with the obstruction they did, the driver would certainly have met with a fearful death. As it was, he escaped with a few slight bruises.

Death of an Old Citizen.—As will be seen by a notice published elsewhere, Father John Lees, of the 19th Ward of this city, departed this life today at the advanced age of almost 86 years. He was a modest, unpretentious old man, whose true worth while living was but little known beyond his immediate circle of acquaintances, but whose reward hereafter will doubtless eclipse that of many a man who has been more renowned in life for his good deeds. He was an honest, faithful, consistent Latter-day Saint, and his numerous progeny will have no cause to blush for his memory, but much to be proud of in connection with it.

Wire Fences.—There is reason for regret that our Territorial law-makers could not agree on the passage of some law for the protection of stock from injury by that fearful curse to cattle known as the barbed wire fence. Difficult as it is to obtain fencing material of a less dangerous nature in this region, it would have been infinitely better for wire fencing never to have been imported to this country than that so many valuable animals should have been ruined by it. It is questionable economy even for farmers to build wire fences without a board or pole to indicate its presence to animals, which are otherwise liable to run against and be injured by it, for their own animals are almost sure to suffer from it, and any man who builds such a fence shows a reckless disregard for his neighbor's interests if not for his own.

Convicts Pardoned. — Governor Murray has exercised executive clemency in the matter of four of the convicts in the Penitentiary by granting them full and complete pardons.

The first was John Brimhall, who was sentenced in the First District Court Oct. 4, 1884, for grand larceny, of which it seems there are reasons for believing he was not guilty, the judge and prosecuting attorney before whom he was convicted having recommended his pardon.

Thomas Murray, the second on the list, is an ex-soldier who was convicted in the Third District Court March 6, 1883, and sentenced to four years imprisonment on the charge of robbery. This was rather an aggravated case, it having been proven that he assaulted a man on the street and robbed him of his watch and money by cutting open his pockets with a knife. However, his pardon was recommended by General McCook and other officers of Ft. Douglas, and the prosecuting attorney endorsed it, and accordingly Murray is turned loose upon the community—it is to be hoped a reformed man.

The other two subjects of clemency are Charles W. Beardsley and T. W. Brown, who were each sentenced in the Third District Court, Nov. 16th, 1885, to one year in the Penitentiary on conviction for burglary. Judge Zane and assistant prosecuting attorney Varian have recommended their pardon from a belief that they were wrongfully convicted.

Fiendish Crimes.—An account is given in the Provo *Enquirer* of one of the most revolting and sickening occurrences that has ever been recorded in this region having taken place at Provo, Utah County, last month, the facts, which have just come to light, being as follows:

On Sunday afternoon last, two girls, named respectively Mary H. Adams and Martha E. Lunceford, appeared before Justice W. H. Brown and Deputy County Attorney D. Evans, and swore out complaint against Geo. Shurtliff and Isaac Clark—a couple of notoriously bad characters. Mary H. Adams' complaint alleged that on the 18th day of December last Geo. Shurtliff, "in and upon one Mary H. Adams, violently and feloniously did make an assault upon her, the said Mary H. Adams, then and there violently against her will and without her consent, feloniously did ravish her at a time when she, the said Mary H. Adams, was unconscious of the nature of said acts, said Mary H. Adams being then and there prevented from resisting said assault and ravishment, being intoxicated with intoxicating liquors administered to her, the said Mary H. Adams, by him, said George Shurtliff, said unconsciousness being then and there known to said George Shurtliff."

In Martha E. Lunceford's complaint, similar charges are made against Isaac Clark.

It appears that the girl Adams, who is about 17 years of age, had been living in Shurtliff's house as "hired help." Mrs. Shurtliff had gone to Salt Lake on business connected with her restaurant, and told the girl before leaving to get the Lunceford girl (who was similarly employed in a family residing on the same block) to stay with her at nights, while she (Mrs. S.) was away. During the day Shurtliff is reported to have intimated his purpose to one or two friends who warned him against attempting such an outrage. Anyhow that evening Shurtliff and Clark proposed to the two girls to accompany them to a party, from which they returned shortly after midnight. When in the house, the girls were induced to join them in a game of cards. After playing awhile the men proposed taking a drink, and the girls consented to drink some wine, which the girls are now satisfied was drugged. Some time afterward another drink was proposed, and this time a little whisky was added to the wine. After taking this second drink the girls became utterly unconscious and remained in that condition for nearly twelve hours. When they regained consciousness they found themselves stripped of their clothing and in separate beds, Shurtliff lying by the side of Adams, and Clark by the side of Lunceford. The details of this dastardly outrage are too revolting for publication. Suffice to say, the unfortunate young ladies, though completely heartbroken and crushed with shame, sought for several days to keep even from the knowledge of their parents what had occurred. At last, however, they concluded to confide all to their mothers, and through them the facts were made known to U. S. Commissioner Smoot, Justice Brown and Deputy County Attorney Evans. The father of the Lunceford girl was also informed, so we learn, of the outrage, but the father of the Adams girl has not yet been made acquainted with what has transpired, he being employed in the coal mines of Pleasant Valley.

Warrants for the arrest of Shurtliff and Clark were placed in the hands of Sheriff Turner on Sunday evening, and that officer, accompanied by Policemen Strong, Wilkins and Chesley, proceeded immediately to Vincent & Shurtliff's drug store where they found Shurtliff and conducted him to the Court House. Clark was afterwards found and arrested at Hines' drug store, and taken also to the Court House. Shurtliff sent for Mr. A. G. Sutherland, Jr., who sought to have his client admitted to bail. The justice fixed the amount of bail at $7,000, and being unable to secure it, Shurtliff has thus far been compelled to content himself with such accommodations as the Hotel de Turner afforded. His mother and brother Vincent, arrived from Salt Lake this morning, and are endeavoring to secure the necessary bonds for his temporary release. The examination is to take place on Thursday morning. Clark is in jail also, with very little prospect of his securing his freedom until, at least, the examination take place.

The Snow Case.—The appeal from the decision of Judge Powers, in the case of the United States vs. Lorenzo Snow, convicted in the First District of violating the Edmunds law by living with his wives, came up for argument in the Territorial Supreme Court to-day. District Attorney Dickson appeared for the prosecution, and Judge Harkness and Hon. F. S. Richards for Apostle Snow.

Judge Harkness occupied the time in an exhaustive argument covering the case. He reviewed the testimony given, to show that it was wholly insufficient to justify the verdict. In reference to the charge to the jury, the defense claimed as error the refusal of instructions requested by the defendant, in regard to the definition of "cohabit." These instructions asked that the term "cohabit" be interpreted to "live with," and not simply to visit. The court had said to the jury that "the offense of cohabitation is complete when a man, to all outward appearances, is living and associating with two or more women as wives." Judge Harkness insisted that the "outward appearances" of living together was an instruction such as would mislead the jury; it gave them a way to escape from the fact in issue. "And," said he, "we all know how apt a jury of this kind are to catch at an opportunity to convict an Apostle of the Lord."

Judge Powers (interrupting)—"We don't know how apt they are, as they have only had a chance at one."

Judge Harkness—"We may judge by the zeal they showed in that one case what they would do with the others." Another error of the court below was in refusing to charge the jury that "the defendant, though living with one wife, could lawfully visit another and her children at reasonable times and for lawful purposes; and the purposes of inquiring concerning the health and welfare of such other wife and his children by her, of providing for their support and the education, employment and business of the children, would be lawful."

Judge Powers (interrupting)—"The evidence went to show that he visited the children, and not the wives."

Judge Harkness—"I remember it that he visited the children and also the wives; at any rate the wives were there."

Judge Powers referring to the testimony—"There is no evidence showing that he even visited his wives; it was the children."

Judge Harkness—"Then the prosecution had no case."

Judge Powers (nonplussed)—"Well, that is the evidence."

Judge Harkness continued his argument that the expression "associates with them as a husband" was too indefinite for the jury to determine what was meant under the instructions. The court below had also stated, "The Edmunds law says there must be an end to the relationship previously existing between polygamists. It says that relationship must cease." To this instruction Judge Harkness said: "The Edmunds law does no such thing. It says that polygamous marriages must cease, by prohibiting those marriages. Section 3 says that cohabitation must cease, by prohibiting that cohabitation. But it nowhere says that the relationship of marriage must cease, but on the contrary, permits it to continue, and excludes from voting those remaining therein."

District Attorney Dickson—"If that is a proper construction of the words of the court, I admit that it is error."

Judge Harkness further argued that the Court erred in not instructing the jury that "having more than one wife and claiming and introducing more than one woman as wives, do not constitute the offense charged. You must find, to justify a conviction, that he has lived with more than one within the time stated in the indictment." Also, in charging the jury in the second case, that, "If you find beyond a reasonable doubt, that the defendant had, during the year 1884, a legal wife living in Brigham City, Box Elder County, Utah Territory, from whom he was undivorced, that he recognized her as his wife, held her out as such, and contributed to her support as such wife, and that during the same year he lived in the same house with the woman Minnie, recognizing her as his wife, associated with her as such, and supported and held her out as a wife, then the offense of unlawful cohabitation is complete, and you will find the defendant guilty." The defense maintained that there was no theory upon which this proposition could be sustained, especially as any such presumption was rebutted by the testimony of the supposed legal wife, and in effect such a presumption would make the polygamous status necessarily criminal, which would be giving to the law an unconstitutional construction.

This afternoon Mr. Dickson commenced his argument. He claimed that the interpretation of the law contended for by the defense, that noncohabitation could be proven by showing the defendant had not lived with his legal wife during the time specified, would shock the moral sensibilities of the whole civilized world. The Edmunds law was intended to protect the monogamous household and extirpate the polygamous family, and no construction which would fail in that should be applied.

The Court will adjourn this afternoon, to Saturday, Feb. 6, when a decision will probably be rendered.

ANOTHER PARK CITY HORROR.

FOUR MORE VICTIMS OF THE FATAL SNOWSLIDE.

Another frightful avalanche occurred near Park City last evening, the locality this time being Thayne's Cañon, the gulch in which the Crescent mine is located. Three teams loaded with ore from the mine mentioned, were on their way down the gulch, shortly after five o'clock, and had reached a point about three miles from the town, when the slide came down, barely missing the head team, which was driven by a man named Nichols, a resident of American Fork, and sweeping away the other two teams, together with their drivers, Lon Gallan and William Sessions, together with two miners named Wm. Backus and Frank O'Hara, who had taken passage with them down the cañon, and a man named J. C. Cleveland, all of the men being fatally buried in the avalanche except the last mentioned, who was carried on top of it and escaped with a broken leg. A rescuing party from the Crescent mine were soon at the scene of the slide and succeeded in a short time in digging out the eight horses alive and unhurt, and the four men dead. Sessions was a resident of Summit County, and not, as has been reported, a relative of the Sessions family at Bountiful. He and Backus and O'Hara are said to be young and single men, but Gallan was recently married. Mr. Frank H. Dyer, in whose employ Sessions and Gallan were at the time of the fatal occurrence, speaks in high praise of their character.

Snowslides have not been uncommon in Thayne's Cañon in the past, but none are known to have ever occurred at this place before.

FROM FRIDAY'S DAILY, JAN. 29

Placed Under Bonds.—Yesterday afternoon Deputy Vandercook went to West Jordan, and returned on last evening's D. & R. G. W. train, bringing with him F. A. Cooper, who was arrested during the recent raid, on a charge of unlawful cohabitation. Mr. Cooper was taken before Commissioner McKay and was admitted to bail in the sum of $2,000, on an indictment found against him.

Arrested.—This morning Deputy Smith arrested, on a charge of unlawful cohabitation, Jonathan Chatterden, an engineer on the Utah & Nevada Railway. He was brought before Commissioner McKay, and bonds fixed at $1,000, the witnesses being required to appear before the grand jury. It is understood that the plural wife, Alameda Mitchell, is the complaining witness, and that she and Chatterden have disagreed and separated.

Hymeneal.—Three fond and loving couples were united in the bonds of matrimony in Logan January 27th, 1886, and came down on last night's train: Mr. F. H. Weight and Miss Hattie Whittaker, daughter of Mr. George Whittaker, of this city; Mr. James N. Haslem, of the 19th Ward, and Miss M. E. Eardley, of the 6th Ward of this city; and Mr. J. H. Bosshardt and Miss Sarah Merrideth, both of Provo.

We wish the young people a pleasant voyage through life.

Significant.—Fred Southam, one of the witnesses who testified in the Collin examination, was not allowed to tell all he knew in regard to the case when before the Commissioner's court. Had he not been stopped by Mr. Rawlins he would have testified that when he and the boys of Collin and Mix picked up two hats in the lane shortly after the shooting, young Collin claimed one as belonging to his father and young Mix the other as the "tile" of his parent. The description of the latter hat tallies with that formerly worn by deputy marshal Mix.

The Snow Case Submitted.—After we went to press last evening, District Attorney Dickson continued his argument, Judge Powers occasionally endeavoring to assist him. Hon. F. S. Richards closed the case for Apostle Snow. He had supposed it settled by the decisions of the Territorial Supreme Court and of the Supreme Court of the United States that unlawful cohabitation consisted in the living or dwelling together of a man and more than one woman, and the holding out by the man of the women as his wives. But in the case at bar it was contended that the living with one woman, and the acknowledgment and supporting of another as the legal wife, constituted the offense, although the appellant had not lived with the legal wife at all. He insisted that this was not the law. If Congress had intended to prohibit a man from living with any other woman than his legal wife, it would have so declared in unequivocal terms. It was not difficult to find language to express that idea. Had such been the Congressional intention, it would have said that "every male person who cohabits with any other woman than his legal wife shall be guilty," instead of saying that "every male person who cohabits with more than one woman shall be guilty." Under the present statute the offense was not in cohabiting with some other woman besides the legal wife, but in cohabiting with more than one woman; and cohabiting, as construed by the United States Supreme Court, means *living with as wives*. The argument of counsel that the presumption that the defendant lived with his legal wife was conclusive, and that when it was proven that he lived with one of his plural wives the offense is complete, was fallacious and unreasonable; there must be an actual cohabitation or living with more than one woman, and if from the fact of marriage a presumption is raised of cohabitation with the legal wife, that presumption is not conclusive, but may be rebutted, and in this case had been rebutted by positive testimony, showing that the defendant had not lived with the legal wife, but had lived exclusively with one of the plural wives, Minnie. He claimed that the records in these cases showed conclusively that there had been no actual cohabitation with more than one woman, and said the judgments of the lower court could not be upheld unless this court adopted the theory advanced by the counsel for the prosecution at the trial, that the holding out or acknowledgment by the defendant of the women as wives was the gist of the offense, and that such a construction would do away entirely with the necessity of cohabiting or living together. This had never been declared to be the law, and yet the jurors who tried these cases could not have found the defendant guilty on any other possible theory. Mr. Richards declared that it was a gross error for the court to refuse the fifth instruction asked by defendant, "Having more than one wife and claiming and introducing more than one woman as wives do not constitute the offense charged——"

Judge Powers, who had frequently interrupted the speaker, here chimed in with, "Mr. Richards, that certainly would be misleading."

Mr. Richards quietly remarked, "Your Honor, if you will allow me to finish, you will see that we have met the issue squarely, and that our request fully covers the case. Our instruction says: Having more than one wife and claiming and introducing more than one woman as wives do not constitute the offense charged. You must find, to justify a conviction, that he has lived with more than one within the time stated in the indictment." Instead of this the jury were told by his honor who presided at the trials, that "the Edmunds law says there must be an end to the relationship previously existing between polygamists. It says that relationship must cease." This instruction was in direct conflict with the decision of the Supreme Court of the United States, in the case of Murphy vs. Ramsey. That Court says, "the statute makes an express distinction between bigamists and polygamists on the one hand, and those who cohabit with more than one woman on the other." * * * "The crime and offense of polygamy * * * consists in the fact of unlawful marriage. * * Continuing to live in that state afterwards is not the offense, although cohabitation with more than one woman is. But as one may be living in a bigamous or polygamous state without cohabitation with more than one woman, he is in that sense a bigamist or a polygamist, and yet guilty of no criminal offense." Certainly this language of the court of last resort does not say that the relationship must cease, and there are no such words in the law itself, hence it was a manifest error to so instruct the jury. It was equivalent to telling them after the defendant had admitted the women to be his wives, that upon such admission he was guilty, and they must so find. Such a construction made the status of a polygamist criminal, although he married his wives before the Edmunds law was passed, as did the appellant, and to so hold would be to violate the constitutional prohibition against the passage of *ex post facto* laws. Such a construction could not be upheld and the Supreme Court had so declared. Mr. Richards read authorities on the important points involved; he insisted that the evidence in each case was insufficient to justify the verdict and that the court had so erred in his charge to the jury and in his refusals to give the instructions asked for by the defendant, that the judgments of the lower court must be reversed.

FROM SATURDAY'S DAILY, JAN.

That Rape Case.—The examination of George Shurtliff on a charge of rape perferred by Mary H. Adams, took place at Provo before Justice W. H. Brown day before yesterday, when the evidence went to show that there was not one mitigating circumstance connected with the affair. There is no doubt that the crime was deliberately planned and diabolically executed by him in spite of the efforts of the girl to prevent, who at the time was not sixteen years of age. In corroboration of the statements made by the girl, Jesse McCauslin, who lives in a house adjoining that occupied by the Shurtliff family testified at the examination that on the night of the offense he heard the party come into the house at 12:30, and afterwards indulge in boisterous laughter and talk, as if engaged in drinking and card playing, heard the girls called down stairs, and subsequently, about 2 or 3 o'clock in the morning, he heard a female in the house screaming that she was being killed. Shurtliff was bound over to await the action of the grand jury, and not being able to find securities, languishes in jail.

Clark, the companion fiend of Shurtliff, has not yet had an examination and is also in jail.

Bribery at Provo.—Mrs. Minnie Shurtliff, wife of George Shurtliff, and Hyrum Dale, an employe of Shurtliff's, were arrested at Provo day before yesterday on a charge of bribery growing out of the other diabolical case, and had a hearing before Justice W. H. Brown. The evidence went to show that the couple called at the Adams family residence late on the night of the 24th inst., and tried to bribe Mary H. Adams, the victim of Shurtliff's beastly outrage, to testify falsely to screen him. Mrs. Shurtliff offered all the property she had, valued at $1,200, if the girl would only answer the questions propounded to her in court as she directed, that is, to admit that she voluntarily submitted to the outrage. The offer was not entertained, but instead, complaint was made, upon which the would-be bribers were arrested. It appearing that Mrs. Shurtliff did not know that she was breaking any law in what she did, but merely acted from a desire to save her husband from going to the Penitentiary, which she declared her intention of doing to the utmost; the prosecuting attorney and justice were both disposed to take lenient view of the case and accordingly only a nominal fine—$10—was imposed.

Judgment has not been yet passed upon Dale, but he will doubtless be subjected to a more severe penalty, as he richly deserves.

Crusade Work.—Within the past few days, J. W. Snell, S. F. Ball, Isaac Langton, Hyrum Goff, Wm. J. Jenkins, Charles Livingston and J. C. Poulson were notified to be at the Federal court room at 9:30 sharp this morning, to be arraigned on indictments found against them by the grand jury. They were on hand at the appointed time, and after being kept in waiting for an hour and a half the court was opened. Jno. W. Snell was the first one called. There were three indictments against him, from February 1, 1883, to December 31, 1883; January 1, 1884, to December 31, 1884; and January 1, 1885, to December 31, 1885. Bonds were fixed at $1,000 in each case—$3,000 in all—and, were given. "I plead not guilty to that," was Mr. Snell's reply in each case.

S. F. Ball was the next, with three indictments. Bail was given to the same amount, $3,000. Plea, not guilty.

Isaac Langton had but two indictments read to him, the last one bringing the date up to Dec. 31, 1884. He gave bail in $2,000. Plea, not guilty.

Hyrum Goff was considered worthy of three indictments, and was admitted to bail in the sum of $3,000. Two days taken in which to enter plea.

Wm. J. Jenkins was next, with two indictments, 1885 having been omitted. Bail, $2,000, and two days in which to plead.

Charles Livingston answered to three indictments, "not guilty." His bail was $3,000.

J. C. Poulson was also indicted three