

LOCAL NEWS.

FROM SATURDAY'S DAILY, AUGUST 8.

The Quickest.—According to a telegram received the steamship *Etruria*, which arrived at Fastnet, on the coast of Ireland, yesterday, from New York, has made the shortest time across the Atlantic, the trip occupying six days, five hours and thirty-five minutes.

Election Returns.—The following are the returns of the election at Alpine, Utah County, Aug. 3d.

For Councilors, Joel Grover, 76; Jonathan Page, 76.

For Representatives, S. R. Thurman, 74; W. Greer, 76; T. J. McCoullough, 76; W. C. A. Smoot, 76.

For Selectman, Utah County, A. D. Hoidaway, 76.

For County Supt. of District Schools, G. H. Brimhall, 76.

Assets Sufficient.—An inventory of the assets and liabilities of G. D. Hancock & Sons, of Payson, who recently made an assignment to C. D. Evans, has been taken by the assignee, who reports that the assets are ample to cover all indebtedness, and represent a value of \$2.12 to each \$1 liability. The firm had invested largely in real estate, which could not be made available in time to meet their obligations. The creditors will be settled with in full.

No Use for Such.—Whenever an itinerant who calls at the houses of the people makes prying inquiries into private concerns it may be set down that prudent persons have no use for him, no matter what may be his pretensions, religious or otherwise. Even if his ostensible occupation is copying documents with an expert pen, and his outward manner be sleek and oily, after the order of the genus deceptive sneak, an undue investigation into other people's affairs will betray his dual capacity.

Accident.—Yesterday, about noon, Wm. Parker and another young man were riding on a wagon, at Payson, Utah County. Parker was seated on the front of the running gears and his companion on the back, when by some means the wagon was uncoupled, and threw Parker to the ground between the horses, where he was dragged for quite a distance. When relieved from his position he was found to be insensible, but rallied soon after. There was a deep gash in his head, and bruises about his body, but the injuries, though severe, are not thought to be fatal.

Diphtheria at Santaquin.—Quite a number of children in Santaquin, Utah County, are suffering from diphtheria, which has proved fatal in some cases in that vicinity, though the people there do not seem to regard the disease as one much to be dreaded, it being present in but a mild form, and having been met with successful treatment by physicians. They would do well, however, to profit by the experience of other localities which have found the disease easily susceptible of development into a most malignant and fatal scourge, and to adopt means for the better protection of their children from the death-dealing infection.

The Bicyclers' Trip.—It has been decided that the members of the Salt Lake Bicycle Club who make the trip to Cache Valley next week will meet on the east side of the Temple Block at 4.30 a.m. on Wednesday, Aug. 12. A start will be made at 5 a.m., and the party will ride on their machines to Kaysville, board the Utah Central train there and go over the sand ridge to Ogden, then proceed on their bicycles to Brigham City, where they will stop for the night. On Thursday they expect to continue their journey by way of the divide at Hampton's, then down into Cache Valley by the road through Mendon, Wellsville, Hyrum, Millville and Providence to Logan, which they expect to reach on Thursday afternoon, and where they will be met by the brass band. A few days will be spent in sport, such as hunting, fishing, etc., after which the party will return on their machines to this city.

THE RAIN STORM.

IT DELAYS THE U. C. PASSENGER SIX HOURS.

The rain storm yesterday afternoon was, for the time it lasted, one of the heaviest that has been known in this locality for years, and reached from the Point of the Mountain south, northward to the southern edge of this city. At Liberty Park, the Fire Brigade were engaged in sprinkling the grounds, preparatory to the Grant memorial services to-day, when the shower came on so severely as to compel them to leave their apparatus and seek shelter, which they did in haste, but not until they were wet through. The ground received a thorough soaking from the rain, which left it in a fine condition for to-day.

The only damage yet reported was along the line of the Utah Central railway, between Draper and the Point of the Mountain. When the north-bound freight train came over the track yesterday afternoon, the roadbed was washed in some places in ruts three or four feet wide, while at other points gravel was washed on the track in considerable quantities, by the water, which was running down the ravines from the mountain side in torrents. With a little labor and care, however, the train came through all right, and reached this city a little behind time.

The north-bound passenger, however, which followed, was not so fortunate. About four or five miles south of Draper they found one of the cuts almost filled with gravel; there were about 150 passengers on board, and the train hands, with some assistance, set to work to clear the track, which was accomplished in a couple of hours. While at this work, a messenger came up and gave the information that there were two fills farther down, and a washout beyond them. The train was then backed up on to the switch at the Point, and the locomotive went back to Lehi, where a relief train was telegraphed for to Salt Lake, and the train men came on again to clear the track. At about 8 p. m. a train left this city to bring the passengers, and an hour later was followed by the work train to repair the break. After considerable work the transfer of passengers was made, about 11:30 p. m., and they arrived here at 12:30. The road was repaired so that it was expected that this morning's train would get through without delay.

The streams of water that poured down the valley near Draper in all directions led many to believe there had been a cloud burst in the mountains above. There have been quite a number of washouts along the roads, but so far as can be learned, no serious damage has been done.

THE SNELL CASE.

THE COMMISSIONER GIVES ANOTHER DEFINITION OF UNLAWFUL COHABITATION—ANYTHING TO CONVICT A "MORMON."

The examination of Mrs. Mabel Smith was continued yesterday afternoon, but nothing of value to the prosecution was elicited.

Eliza Shafer, the alleged plural wife, was then called. She testified that she was not married to the defendant, and was not his wife; she had lived at the back of his grocery store about a year and a half; worked for defendant.

Judge Kirkpatrick objected to the testimony as it was immaterial, and no marriage had been proven.

Commissioner McKay thought a case might be made out without a marriage.

Judge Kirkpatrick said that under the ruling of the Supreme Court that could not be; that court had decided that no union outside of the marriage relation could be included in unlawful cohabitation, as the law had been specially aimed at polygamy, and the marriage relation was the point at which the law was directed, the subject of all other relations having been left to the local legislature.

Mr. Varian brought his "logic" to bear on the Court, claiming he had a right to examine the witness in the manner he had been doing, because she was hostile to the prosecution.

Judge Kirkpatrick insisted that under the Supreme Court decision the testimony was inadmissible.

The Commissioner, seeing that to follow the decision was to let the case fall to the ground, shifted his quarters, saying that the Supreme Court decision had not changed his mind as to what was relevant testimony, and adopted as his construction of unlawful cohabitation the definition so radically opposed by Messrs. Dickson and Varian in the Cannon and Musser cases, that the offense could be committed without the existence of a marriage between the parties.

Judge Kirkpatrick then asked that the case be continued, that reference might be had to the decision for the settlement of the question, but this was refused, and the examination allowed to proceed.

Eliza Shafer continued her testimony: She paid rent to Mr. Snell for the place where she lived; defendant ate there occasionally; he had passed the night in the store.

Q. Has he passed the night with you?

A. I decline to answer.

Q. Have you ever been in the Endowment House?

A. Yes.

Q. Who did you see there?

A. I do not remember now.

Q. Did you go through with Mr. Snell?

A. I may have seen him there.

Q. Did you enter into any contract, or covenant, or agreement there with Mr. Snell?

A. I don't know that there was any contract.

Q. Did you make any promises there?

A. I decline to answer.

Q. Do you know Mrs. Emma Snell?

A. I do.

Q. Is she the defendant's wife?

A. I believe so.

Q. Did you meet Mr. John W. Snell in the Endowment House, and enter into any covenants, contracts, or agreements with him?

A. I decline to answer.

Mr. Varian considered a few moments, then started as if he had got an idea, and reduced to writing the following questions, which he read to the witness:

Did you meet Mr. John W. Snell twelve years ago in the Endowment House, and did you enter into any covenants or obligations of any kind with him there?

Did you ever at any time meet Mr. John W. Snell, the defendant, in the Endowment House, and if so, did you then and there or in any way or in accordance with any form or ceremony, promise to be his wife, plural, celestial, or otherwise?

Did you ever at any place or time, or

under any circumstances, agree to marry John W. Snell?

Did you ever at any time or place agree with Mr. Snell to live with him as his wife?

Have you ever lived with Mr. Snell in the relation of wife?

Have you ever occupied the same bed with him? If so, during what time?

Is he not your husband and are you not his wife in plural or celestial marriage as known to the Mormon Church?

Have you and he not been living together in the relation of husband and wife in plural or celestial marriage during the past three years?

To each of the queries the witness quietly replied, "I decline to answer," and she was temporarily excused.

Ammi R. Jackson was sworn and testified that he lived in the Fourteenth Ward, and was employed at Mr. Snell's in the Thirteenth Ward; had been in that employ about a year; knew Eliza Shafer; she had lived in the back part of the building where the store was; there was a bed-room upstairs; did not know who occupied it; had seen Eliza there during the day; opened the store, at 7 a. m.; had seen her in the building; left the store at 6 p. m.; did not know who closed it; had seen Mr. Snell there, but not early in the morning; had never seen him in bed; had seen him taking meals there, with Eliza Shafer; did not keep the books, or know anything about the financial affairs of the store; Mr. Snell paid rent for the building; whatever Eliza got was charged to her; had heard her called Mrs. Snell, but not by the defendant, who called her Eliza; there were no children; had seen defendant and Eliza in company together a year or two ago; had nothing to do with the payment of bills.

Eliza assisted about the store; witness had never dined there; did not know where defendant slept; had been at Mrs. Snell's; supposed the family lived there; knew Mrs. Mabel Smith; she had been at the store a few days ago; had not seen J. W. Snell Jr. since morning; did not leave him at the store, which was locked; he was about 19 years old; had seen a Mr. Smith eating at the table with Eliza Shafer; Smith worked at the mines, and came down occasionally and stopped at the store; there were rooms occupied over the store, one of them by Mr. Smith, another by a woman and child; did not know the name; Mr. Snell rented the whole property, also a house at the back, where some tenants lived.

Eliza Shafer was re-called and the written questions again submitted; the witness still refused to answer.

Judge Kirkpatrick argued that the witness could not be held in contempt as the questions were irrelevant.

Mr. Varian said he did not understand why there should be such ambiguity about the decision of the Supreme Court. He proposed to show that there had been a marriage contract, recognized as such by a portion of the community, and that that relation had been continued.

The Commissioner then passed upon the questions, ruling out the 1st, 2nd, 3rd, 4th and 5th as too indefinite; the 7th he said he felt dubious about, but would rule that out also. The 6th and 8th he considered to be proper, and they were read.

The witness still persisted in her refusal, and the Commissioner grew eloquent in a vain attempt to conceal his delight at having another opportunity of consigning an innocent woman to jail. Said he: "I very much regret that in these prosecutions it is always a woman that is pushed forward to defy the authority of the courts. It may not be so in this case. I have known Mr. Snell a long time, and do not think he is that kind of a man. But I do know that in these cases they have been advised to take such a course. It is not for me to decide at this point in the case as to probable cause. I think the questions are proper and should be answered. I will give the witness a reasonable time to consider, and if she don't answer I certainly shall impose a penalty."

Mr. Varian then arose in his dignity (?) and in a pompous manner stated that he wished to take his share of the responsibility in this matter, and moved "that the witness be committed until she does answer."

Judge Kirkpatrick stated that Mr. Snell had not instructed this witness.

Commissioner McKay then burst into a blaze of indignation and exclaimed, "I don't mean to say that he has; I don't believe that he has!" Here a sudden vision of "opportunities" seemed to obscure his view, and he continued, "But there are contemptible sneaks here who have advised such a course in these cases, resulting in the incarceration of women, and I do not propose that that thing shall go down in this court if I can prevent it. I would hate to accuse Mr. Snell of such a thing."

After the Commissioner's "holy horror" had had a little time to cool off, the case was continued until 2 p. m. on Monday, and the defendant was admitted to \$1,000 bail, A. R. Jackson and J. J. Snell being sureties.

FROM MONDAY'S DAILY AUGUST 10

Sandy.—"Sage" writes from Sandy in this County, Aug. 8th, as follows: "The health of the people of this place is generally good. Our election passed off quietly. At the close of the week we had two deaths, one that of a child, the other of Mrs. Carlson, who died and was buried on Friday afternoon. She died as she had lived—a good Latter-day Saint."

From Utah County.—Brother Jas. Dwyer has just returned from a visit to Utah County, whither he went a few days since to attend the convention of the Utah County Teachers' Association. He was captivated by the modesty combined with ability possessed by the members of that organization, and the decorum, sociability, harmony and system that characterized their deliberations; so much so that the pleasure he experienced during his visit at Woodbury Park even eclipses the disappointment and chagrin he felt at having to sit up all night waiting for a delayed train on which to return home.

Shocking Accident.—Wm. Moultrie, writing from Basin, Cassia County, Idaho, August 3d, 1885, gives an account of a very sad affair, which occurred in that settlement the day previous, and which cast a gloom over the inhabitants, it being the first accident of a serious nature that has ever happened in that ward. A number of boys were playing around a hay stack, near which was a horse tied to a wagon. One of the boys, nine years old, son of Alma Fairchild, formerly of Grantsville, Utah, attempted to pass between the stack and the horse, when he was kicked near the top of the forehead over the left eye, making an ugly wound, from which the brains oozed out. He was quickly conveyed to his home, the best skill available procured and the wound neatly dressed. The little fellow now lies in a critical condition. Hopes are entertained for his recovery, but the prospect is not at all favorable.

Painful Accident.—Immediately after the funeral services over the remains of Joseph Weiler had been concluded yesterday, and as the cortege was starting, the horses attached to a buggy in which Mr. Fred. Coombs and his wife, of Farmington, were riding became frightened by the preceding vehicle backing against them. Mrs. Coombs, alarmed at the fractious actions of the animals, attempted to jump from the buggy, and in doing so was thrown to the ground and stepped on by the horses, resulting in the breaking of her arm near the wrist, and the infliction of an ugly scalp wound. She was immediately carried to a neighboring house and subsequently conveyed to Mrs. Joseph Weiler's where she was waited upon by the Doctors Anderson, who attended to her injuries, and have hopes of her early recovery.

Accidental Shooting.—For some time past Brother D. L. Davis and family and a few friends have been rusticated in City Creek cañon. The party all returned on Saturday except the two eldest boys of Brother Davis, who were left to take care of the camp until a team could be sent up to bring the wagon and camp outfit home. About two o'clock yesterday afternoon the two boys were in the act of packing up the bed-clothes preparatory to starting home when they were surprised and shocked at receiving a charge of shot on their persons from a gun fired a short distance away. D. J. Davis, the eldest boy, 18 years of age, was in a stooping posture at the time, and was struck by about a dozen shot—one in the nostril, one beneath the eye, several in the forehead, five in the arm and one in the loin. Thomas, the younger boy, received about six shot in the back and upper part of his head.

The cries of the wounded boys soon brought to them the party who had done the shooting—a young man by the name of Green, who claimed to have fired at a prairie chicken without knowing of anyone being encamped in the vicinity. A gentleman with a buggy happened to be near by at the time, and brought the younger boy home with him, and the other followed on horseback.

On examining the wounds it was found that several of the shot had glanced along the surface of the skull of the younger boy for more than two inches, and were removed without much difficulty. Others were embedded near the base of the skull and could not be found. In the case of the elder boy, the shot that penetrated his loin was found and removed, but the others—in his face and arm could not be found. Just what the result will be is impossible yet to determine, but it is hoped that they will soon recover.

This should prove a warning to sportsmen against indulging in careless shooting generally, and especially against indulging in the practice on the Sabbath day—which, it would seem, is more fraught with casualties than any other day in the week.

THE SNELL EXAMINATION.

THE QUESTION OF CONTEMPT OF WITNESS IN DECLINING TO ANSWER.

At 2 p. m. to-day the accused, John Wm. Snell, and all of the witnesses summoned, were present at the Commissioner's office.

Eliza Shafer was called, and the questions asked on Friday last stated, her reply being that she declined to answer.

The Court—Have you any reasons for declining?

Witness—I have none to state.

Mr. Varian, for the prosecution, then took up the question on the motion to commit the witness to custody until she did conclude to answer the questions decided to be proper by the court. The law under which the Commissioner was acting was that known

as the Poland Bill, and one provision was the giving of jurisdiction in Territorial cases equal to justices of the peace; he held that this provision related only to Territorial offences. Utah was the only Territory in which United States Commissioners had been appointed, and they were given powers equal to commissioners of United States circuit courts; in section 1014 U. S. Revised Statutes, the committing magistrate was placed upon the same plane as judges of United States circuit courts, in the States; they were controlled by local law, whether in a State or a Territory. The same powers which were given committing magistrates under the Territorial laws were exercised also by U. S. Commissioners; under these laws a witness could be punished for contempt for refusal to obey a subpoena, to be sworn or to testify. In this Territory the district judge had more power than a justice of the peace, in being empowered, not only to fine and imprison, but also to coerce the witness. In the statutes of 1884 the power had been given to imprison a witness until the act required was performed. If the power of the Commissioner was not prescribed by statute, that power would be unlimited, to be exercised under the common law.

Mr. Kirkpatrick argued that the power to punish for contempt, which though very important, had been but little discussed, and not exist with United States Commissioners; or if it did, was so doubtful as to require cautious movement. The power to punish for contempt was special, and was in the nature of a criminal process. Inferior courts, inclusive of examining magistrates, had no power to punish for contempt, unless expressly granted by law. A number of authorities were cited to show that United States Commissioners had not power to punish for contempt, except where expressly granted, which was not the case in this Territory. The proceedings had not concluded when we went to press.

GRANT MEMORIAL SERVICES.

GREAT DEMONSTRATION IN HONOR OF THE DECEASED WARRIOR.

The circumstances could scarcely have been more propitious for the memorial services arranged for to-day in honor of General Grant, whose death has been the all absorbing topic of late, and whose burial to-day is being celebrated all over the Union. The shower of last evening settled the dust and cleared the atmosphere, and this morning the weather was unexceptionally fine.

Ten o'clock was the time set for the procession to commence forming, but it was a quarter past when the Opera House Band played a tune on the corner of Second South Street as a signal for the 1st division to form, and fully a quarter of an hour later when it began to move forward and make room for the others to follow. The bells throughout the city, which were to be tolled between the hours of 10 and 12, commenced tolling at 10:45. The first division marched along First South Street to Fifth East Street, and there halted till 11 a. m., for the rear part to close up.

THE PROCESSION

though slow in forming, when once in line of march, the procession presented rather an imposing appearance.

First came the Marshal of the day and his aides, then the Opera House band; the Grand Army of the Republic, on foot; the Ladies of the Relief Corps in two large carriages; the I. O. O. F., mounted and on foot and in carriages; executive committee and citizens in carriages, which ended the first division.

The second division was headed by the Salt Lake City brass band; then followed the Knights of Pythias, mounted and on foot; Knights of Labor, on foot; ministers of various denominations in carriages; Utah Commission, Federal officers, City officers and invited guests in carriages, which ended the second division.

The third division was headed by the Firemen's band. Then followed the Firemen of Salt Lake City in uniform; the Deseret Typographical Union; Society of the Temple of Honor; and the Society of Colored men, carrying two banners, one of which was a portrait of General Grant and on the other the inscription: "We mourn the loss of our great hero, U. S. Grant."

The fourth division was headed by the 16th Ward Brass Band, who presented the finest appearance of any of the musical organizations in the parade. Citizens of the 15th, 16th and 19th Wards in three large vans festooned with crape and flags and bearing portraits of the honored dead, followed, and then a long string of vehicles of various kinds loaded with citizens and others on horseback ended the procession.

AT LIBERTY PARK.

It was about 12 m. when the last of the procession entered Liberty Park, and within a few minutes afterwards a large assemblage was comfortably seated around the grand stand, and others standing in rear of them, awaiting in silence the commencement of the services. The stand was occupied by the various officers of the several committees and those who were to take part in the proceedings. At the rear of the stand, occupying a prominent place in view of the audience, was a large portrait of General Grant (by Wegeland), draped with crape.

At 12:10 Maj. Frank Hoffman announced the opening piece of the pro-