

States has enacted laws prohibiting and punishing bigamy, polygamy, unlawful cohabitation, adultery, incest and fornication, and said laws are in force and supreme in the Territory of Utah; and,

Whereas It is the opinion of His Excellency the Governor of Utah, as well as a majority of the members of the present Legislative Assembly, that said laws upon the subject named are exclusive and cannot lawfully be added to, diminished or duplicated, so far as said punishment is concerned, by territorial legislation; and,

Whereas It is the opinion of the majority of the members of said Assembly, that any law passed by said Assembly that any laws passed by the said Legislature prohibiting or punishing any or all of said offenses would not only be in excess of legislative power in the respect above referred to, but would be unconstitutional in its operations, and if not unconstitutional, would be oppressive in that it might subject the citizen to be twice tried for the same offense; and,

Whereas A bill has been introduced and is now pending in the House of Representatives of said Legislature, by which it is proposed to prohibit and punish each of said offenses already prohibited and punished by the laws of the United States, as aforesaid; and,

Whereas Said Assembly, for the reasons above named, do hereby reject and disapprove said bill, and in order that their action herein may not be misunderstood or misrepresented, and for the purpose of emphasizing and reiterating in the most solemn manner within their power as a legislative body the declarations and intentions of the people of Utah concerning the prohibition of said offenses,

Resolved, By the House, the Council concurring, that said Assembly are in favor of a just, humane and impartial enforcement of said laws of the United States in the same manner as other criminal laws are enforced under the Constitution and laws of our country, to the end that said offenses may be effectually prohibited.

A ROMANTIC INSTITUTION.

It appears that a convict named Flynn made an abortive attempt to escape from the penitentiary on June 16th. A hole had been made in the old wall which surrounds the prison enclosure, the digger being screened from observation by a cluster of convicts who pretended they were seeking cool quarters in the shade. Flynn was the only one who got through the aperture, but he was soon captured in a clump of sagebrush, not far from the premises.

This incident reminds us that many interesting and romantic stories could be told of incidents connected with the past history of the old "pen," previous to the erection of the new iron structure. A few years ago attempts to escape were frequent, and some of them were attended by tragic features, one resulting in the murder of Warden Butler, and the subsequent killing of one of the escaping convicts by an officer who arrested him in Juab County. The officer, Mr. Halliday, was compelled to shoot the fellow, the latter having fired at him with a bulldog pistol at close quarters before he sent a bullet into his body from a Colt's revolver. The wounded man died on the train while being conveyed to this city.

A novel scheme for escape about

six or seven years ago was partly successful. Among the principals in it were Joe Davis, under sentence for committing a highway robbery near the Uintah Reservation; Dave Fennell, convicted of participation in a murder at Frisco, and Bob Tait, under sentence for grand larceny. They doubtless were assisted by other prisoners.

The plan adopted was simple enough. It was, at an appropriate time of the day, to extemporize a ladder out of the ceiling joists of the low lumber building where the prisoners took their meals, rush with it to a given point, plant it against the enclosing wall, mount to the top and drop to the other side.

Fennell, a powerful athletic Irishman, tore down the rafters and had a ladder constructed almost as quickly as it takes to tell about it. In the meantime Joe Davis stood at the door of the building with a piece of scantling, and when any one approached to leave or enter he informed him that a move would result in the dashing out of his brains. When all was ready, two of the convicts seized the ladder, ran out and across the enclosure and placed it against the wall. Fennell and Davis went over like cats. Tait was last. Being excited he lost his head. Reaching the top of the wall he stood erect and hesitated; meantime the guard brought his gun down on him. Tait leaped to the ground instead of dropping from his hands. As a result his ankle was broken, he could go no further, and was captured. Fennell was caught in the brush some distance away from the prison.

Davis, as he was running at high speed, almost collided with a party of convicts at work on the land outside, probably making a ditch. Before a move could be made to prevent him, he leaped upon the guard, took his rifle from him, turned the muzzle toward him and told him to go quickly or lose the top of his head. The officer did not delay, for Joe was a shooter.

Davis got away and reached San Francisco, where he got employment at his trade as a lather. He happened to tell a fellow workman that he had escaped from the Utah penitentiary. The man to whom he told this had seen an advertisement in which a reward of \$200 was offered for his capture. The fellow informed on him, an officer was sent from here and the convict was brought

back and, being convicted of stealing the guard's gun, got two years for that offense, in addition to having to serve his unexpired term.

Davis emerged from the "pen." about three years ago and wandered down into Southern Utah, where he engaged in the profession of horse-stealing. Officers on the hunt sighted him and called him to stop and surrender. Instead of complying with this authoritative command he increased the rate of speed at which he was traveling. The posse fired at and fatally wounded him.

Fennell was pardoned in the early spring of 1886, by Governor Murray, and went to Montana. The papers of that Territory, about three years ago, stated that in returning home from a party of some kind in a hilarious condition he was flourishing a six-shooter—which he always carried. The weapon was accidentally discharged, the bullet entered his body, and that was the last of Dave Fennell.

After Tait came out of prison, several years ago, he gave some "Wild Bill" exhibitions of broncho riding and lasso throwing near this city, and soon after disappeared from this locality.

After the "Mormon" Elders convicted under the Edmunds act became somewhat numerous as inmates of the "pen," attempts to escape became less frequent, until they were extremely rare. The conduct of the prisoners improved in other respects, the moral effect of the presence and superior deportment of the "Mormons" being positively marvelous.

MARY ANDERSON NO MORE.

The stage loses one of its brightest and purest devotees in the marriage of Miss Mary Anderson to Antonio Navarro, which event took place at Brompton Oratory, London, today. Miss Anderson visited Salt Lake City some three years ago and appeared in the Theatre here as "Rosaland" and "Galatea." Her success was conspicuous and complete, the crowded audiences which welcomed her being enthusiastic and demonstrative in their praise. Those who failed to see her then and have not seen her act elsewhere will doubtless have to base their judgment of her fine talents and queenly presence upon the reports of others and the press, as in Mrs. Navarro she bids the public adieu, forever, as she says, but this does not always prove to be the case, as witness the