

EVENING NEWS.

Wednesday, September 14, 1887.

FRAGMENTS.

Z. B. S. meeting will be held tomorrow evening.

E. M. Allison, Jr., was in from Coaling to-day.

DR. GERRARD, of the land office in Cheyenne, was in attendance at court to-day.

The last few nights have been remarkably cool for the first half of September.

The funeral service of H. S. Beattie will take place at the family residence in the Twelfth Ward at 2 o'clock p. m. to-morrow.

The Relief Society Conference will be held in the Fourteenth Ward hall to-morrow, meetings commencing at 10 a. m. and 2 p. m.

FRANK MAYO and a strong company appear at the Theatre to-night in the new German play of Nordeck. Sales of seats have been quite brisk and indications are that there will be a big house.

The prize fight between Fitzgerald and Burns, previously referred to in the News, took place at some point in Idaho, and was won by Burns on a foul. We are informed it was for \$500 a side, and that another candidate for prosecution is after the winner for a match.

A special examination of teachers will be held Saturday, September 17th, at the Fourteenth District school rooms, commencing at 9 o'clock. All teachers and those wishing to teach, who have not yet obtained certificates, will please cover themselves accordingly.

WM. M. STEWART, County Sept.

Grass Seed Wanted.

A correspondent desires to know where the seed of a forage plant known as "velvet" or "dromedary grass" can be obtained. Notices of this plant have lately appeared in two or three papers in this Territory.

Primary Conference.

A conference of the Primary Associations of this State will be held in the Assembly Hall on Saturday next, commencing at 10 a. m. It is desired that the children bring their Union Music Books, and that their parents, and all interested, attend in as large numbers as possible.

Deaf Mute Boarding School.

Professor Harry White has leased the Hooper mansion in the Nineteenth Ward, and the building will be used as a boarding school for deaf mutes, an adjunct of the University. Deaf mutes or their friends who desire information regarding the terms upon which that class of unfortunate are instructed and boarded, should correspond with Prof. White.

Bad Blood at Lake Park.

Yesterday a number of peaceable people who went to Lake Park for the purpose of having a pleasant time, were disappointed, owing to the conduct of a number of young men hailing from Farmington and Bountiful. A feud arose between the youths from these towns respectively, and there was swearing, threatening and fighting going on between the factions to an extent which not only disturbed but destroyed the peace of the better-disposed persons on the grounds. At one time it looked as if pistols would be resorted to, and ladies and children fled from the perspective scene of the anticipated fight.

Will Fall Into Line.

In the Third District Court to-day Mr. Samuel M. Butcher, better known as "Sod" Butcher, of Bingham, was arraigned on the charge of unlawful cohabitation. The indictment was found last April, and alleges that the offense was committed from May 1, 1886, to March 1, 1887, Sarah C. and Mary Clatwick Butcher being named as his wives. When asked for his plea, the defendant replied, "I plead guilty." At the request of his attorney, Mr. Ketchum, sentence was deferred till Oct. 14. As Mr. Butcher was retreating he was asked, "What are you going to do?" and replied, "I promise to live within the law, of course."

Disastrous Fishing.

A couple of young men of well known sporting proclivities concluded recently to try their luck at angling in the turgid waters of the dangerous Jordan, and after equipping themselves with the necessary accoutrements, set out for its stormy banks. The situation was to some extent a literal exemplification of that state of things, and they decided upon using a boat and going out to where the water was smoother and all external indications more promising. They had not been anchored at a desired spot long, however, when one of them took a plunge—perhaps because the fish didn't bite fast enough to suit him and he concluded to try his luck with his hands. It was a long fall, and he hit his place and he went straight to the bottom, not being a swimmer. On rising to the surface he seized the edge of the boat but was induced to relax his hold through fear of upsetting the craft and making it bad for both of them; so he took hold of the stern and was towed to shore. He soon divested himself of his raiment and stood around in the garb of the Greek slave, with the cold, chilly winds of September fanning his person, until the clothing dried. They will buy their fish hereafter.

Commissioned.

Yesterday Governor West signed commissions for the following officers, elected at the general election in August last:

County Officers.—N. P. Rasmussen, Selectman, Cass County; David E. Bart, Selectman, Box Elder County; John Barrows, Selectman, Box Elder County; Wallace K. Burnham, Selectman, Cache County; William A. Appleby, County Superintendent of District Schools for Cache County; Byron Colten, County Clerk, Uintah County; A. S. Johnson, County Clerk, Uintah County; H. C. Hallinger, Surveyor, Uintah County; Edward H. Anderson, Superintendent District Schools, Weber County.

Justices of the Peace.—James Johnson, Hooper City; Weber County; H. V. Stone, Tipton, Utah County; Oscar O. Stoddard, Capon Creek, Morgan County; William Costam, Ordway, Box Elder County; John S. Boyer, Springfield, Utah County; Wallace K. Burnham, Richmond, Cache County; Isaac Green, Wells, Cache County; Wm. K. Kitchum, Paterboro, Cache County; E. L. Eslick, Box Elder, Box Elder County; Wm. H. Gibbs, Paterboro, Box Elder County; A. S. Johnson, Ashley, Utah County.

Constables.—Joseph Woodard, Jr., Alameda, Cache County; Philip Arbon, Ordway, Box Elder County; Commodore Moss, Paterboro, Box Elder County.

Alma Greenwood was commissioned Mayor of Fillmore, Millard County, and C. F. Grant, Councilor, and A. E. Barnes, Recorder, Coriander, Box Elder County.

JAMES BOWEN KILLED.

Another "Man Before Breakfast" at Park City to-day.

Park City and vicinity still holds its own at the head of "shooting localities" in this Territory and last night another killing was added to the list. The dead man was named James Bowen, and his story is that he was a miner, and had been working as a partner on a claim in what is known as Snake Creek Gulch, located within the Wasatch County line.

On Monday Bowen and Axtell were arrested for an infraction of the ordinance of Park City, and lodged in jail. They were released yesterday afternoon, and last night started for Bowen's cabin, in the Gulch. What occurred afterward, up to the time of the shooting is taken from Axtell's statement, as there were no witnesses. On the way up the two men got into a dispute, which finally grew pretty hot, and culminated in Bowen threatening to kill Axtell.

At this time neither of the men were armed, but both knew there was a loaded revolver—Colt's 45 calibre—in the cabin. Bowen came up, quickly raising the revolver, he fired three shots in rapid succession, and Bowen fell in his cabin near by, heard the shots, and rushed out to where Axtell was standing. By the time he got there Bowen was dead. The wound was nearly midline. Axtell was placed under arrest, and an examination into the case will be made by Commissioner Cohen to-morrow afternoon at 2 o'clock. Prosecuting Attorney E. M. Allison, Jr., of Summit County, who was in this city at the time of the killing, will return this evening to conduct the case for the people.

RACE FOR LIFE.

Axtell proved the swiftest runner, and reached the cabin a few yards ahead of Bowen. He sprang inside, caught up the weapon and turned back, just as Bowen came up. Quickly raising the revolver, he fired three shots in rapid succession, and Bowen fell in his cabin near by, heard the shots, and rushed out to where Axtell was standing. By the time he got there Bowen was dead. The wound was nearly midline. Axtell was placed under arrest, and an examination into the case will be made by Commissioner Cohen to-morrow afternoon at 2 o'clock. Prosecuting Attorney E. M. Allison, Jr., of Summit County, who was in this city at the time of the killing, will return this evening to conduct the case for the people.

Bowen is spoken of as "a bad man" in the camps where he has spent his time, and it is said he had not a friend in Park City. He was a noisy quarrelsome fellow, and whenever he got into a dispute was in the habit of saying "going to his gun."

But was considered to be a coward by those who knew him. On one occasion he came to Salt Lake with the avowed intention of "running the town," but he quickly found judgment in the city jail, and became quiet enough. Axtell, on the other hand is said to be a quiet, peaceable man though he is very determined, and when he has a quarrel to settle will endeavor to carry it out.

HARMON'S HOPES.

Blasted by a Sentence that Will Imprison Him Thirty Days.

The day of suspended sentences for those who "promise" to obey the Edmunds law seems to have gone by. Many of those who, on conviction, gave the required pledge, were allowed to go, but recently there has been a turn in the tide, and the wave struck in the Third District Court to-day. After the disposal of the Connolly case, George Harmon, who pleaded guilty last Monday to unlawful cohabitation, was called for sentence. When he came forward the Court asked—Have you anything to say before sentence?

Harmon—I wish to say this: I will obey the law.

Court—You will obey the law prohibiting polygamy and unlawful cohabitation?

Harmon—Yes, sir.

Court—How many wives have you?

Harmon—Two.

Court—When did you marry the last one?

Harmon—In 1880.

Court—Do you still live with them?

Harmon—No.

Court—How long since you separated?

Harmon—Since last April.

Court—Which wife are you living with?

Harmon—The first.

Court—You understand there is a revelation commanding polygamy?

Harmon—I have been taught that.

Court—Yet notwithstanding that you will obey the law against it?

Harmon—Yes, sir.

Court—And will not counsel or advise others to break it?

Harmon—I will not.

Court—What property have you?

Harmon—None, only a team.

Court—Have you any more?

Harmon—No, sir.

Court—Are you out of debt?

Harmon—Well, yes.

Court—Well, in view of your circumstances, and the promises you make, you will be fined \$500 and the costs of the prosecution, and stand committed until the fine and costs are paid.

Mr. Harmon was taken to the Marshal's office, and unless he raises the amount assessed against him, will spend thirty days in the penitentiary in lieu of the fine.

Will Reach an Understanding.

To-day the Chamber of Commerce committee on railroads had a prolonged session with Mr. Monroe, head of the freight department of the Union Pacific.

The meeting was in progress when we went to press, and its work was still incomplete. Matters had progressed so far up to three o'clock as to make it reasonably certain that an amicable understanding would be reached between the parties to the negotiations. A number of points of difference had been discussed and a basis of settlement of them agreed to. The work of discussing and adjusting differences was in progress when our reporter left. It is understood that the meeting to be held at the Chamber of Commerce this evening will accept and ratify the work done to-day. Representatives of the Oregon Chamber of Commerce were present and participated in the proceedings.

Melee on a Bathing Train.

On the train that left this city for Lake Park yesterday afternoon, some of the passengers had a "high time." From a cause of which we are not informed, a fight broke out among some roughs in one of the cars. A stove was torn up and its fixtures used as missiles. A man named Mitchell was stabbed in the arm during the melee. The party who used the knife left Lake Park by the first train that departed after the arrival of the one on which the melee took place, and Mitchell returned to town by a later one.

Brim Bound Over.

At the conclusion of the examination in the case against Ed. E. Brim, before Commissioner Norrell yesterday afternoon, the Court held that there was probable cause to believe that the defendant was guilty, and held him in \$500 bail to await the action of the grand jury on the charge against him of obtaining a signature by force and threats.

GRAND JURY IMPANELED.

The September Term Provided for Without Much Difficulty.

The open venire for grand jurors returned in the Third District Court to-day, was made up entirely from Salt Lake City, Park City and Bingham. The following were called by the clerk: J. R. Nichols, Mark McKinnis, M. B. Bowles, W. H. Sells, Henry Newell, August Fuellner, Victor M. Sturm, James W. Pierson, Edward W. Rupp, John McKinnis, Wm. E. Jones, J. H. Van Horn, Henry F. Sampson, J. B. Walden, H. Siegel, Joseph Durgin, John H. Rogers, E. P. Hatch, John Dodds, Thomas Cooke, Stewart Stevenson and C. W. Heide.

Messrs. Newell, Siegel and Durgin were absent. Messrs. Sturm and Van Horn were excused on account of ill health. Mr. Fuelling was released owing to his wife's sickness. Mr. Sampson was not a taxpayer, and was challenged and excused. Mr. Jones said he had never paid taxes, but had taxable property in Bingham; he was accepted. Messrs. Rupp and Heide had only paid poll tax; they were also retained. Mr. McKinnis stated to the Court that he worked at the Empire Mill, in Bingham, and if he served on the grand jury he would be discharged. This he could not afford, as he had a family to support. The Court refused to excuse him, remarking that the Empire Mill Company had received the benefit of the courts in litigation, and was in no position to take the step alluded to. Mr. Heide said he was not financially able to sit on a grand jury, as he had to work for a living. The Court would not release him.

The grand jurors were put through their catechism as to age, citizenship, residence, etc., and in addition, in each instance, the following questions were asked and answered:

—Mr. Heide—Do you believe in the principle of polygamy?

Juror—No, sir.

—Mr. Heide—Have you ever practiced the principle of polygamy?

Juror—No, sir.

—Mr. Heide—Have you ever counseled or advised others to do so?

Juror—No, sir.

—Mr. Heide—Have you ever been convicted of the crime of polygamy, unlawful cohabitation, adultery or fornication?

Juror—No, sir.

The jury as accepted stands as follows:

M. B. Bowles, Foreman.
J. R. Nichols, Mark McKinnis, Wm. E. Jones, James W. Pierson, Edward W. Rupp, Victor M. Sturm, John H. Rogers, E. P. Hatch, John Dodds, Thomas Cooke, Stewart Stevenson, C. W. Heide.

Before the jurors were sworn in, Attorney Frank Hoffman presented a challenge to the panel, alleging that it had not been drawn in conformity with law. The challenge is substantially against the open venire, and was made in behalf of Wm. Taylor, who is in the penitentiary awaiting trial for the murder of Mr. Osborne, at Bingham. The Court overruled the challenge, and the jurors were sworn in, subscribing to the following, termed the "Loyal League" or "Political Authorities' oath," in conformity with the one first used by the Court and framed by the Utah Commission in conformity with the law:

I, being duly sworn, depose and say, that I am over twenty years of age; that I have resided in the Territory of Utah for six months last past; and that I am a native born or naturalized citizen of the United States; that my full name is _____; that I am _____ years of age; that I am a _____ man; that the name of my law partner is _____; and that I will support the Constitution of the United States and will faithfully obey the laws thereof; that I will never be a member of, nor counsel or aid in the formation of, nor support, nor aid in the support of, any society, association, or organization, the object of which is to promote or maintain the practice of polygamy, or to obstruct or interfere with the enforcement of the laws of the United States, at any time, in obedience to any revelation or any counsel, advice or command, from any source whatever, and under any circumstances, enter into, or aid in, or support, or aid in the support of, any marriage, or have or take more wives than one, or cohabit with more than one woman contrary to said laws; that I will not at any time, in any manner, directly or indirectly, counsel or advise, any person to have or take more wives than one, or to cohabit with more than one woman, or to commit incest, adultery or fornication contrary to said laws; that I will not at any time, in any manner, directly or indirectly, counsel or advise, any person to commit polygamy, or to obstruct or interfere with the enforcement of the laws of the United States, at any time, in obedience to any revelation, or any counsel, advice or command, from any source whatever, and under any circumstances, enter into, or aid in, or support, or aid in the support of, any marriage, or have or take more wives than one, or cohabit with more than one woman contrary to said laws; that I will not at any time, in any manner, directly or indirectly, counsel or advise, any person to have or take more wives than one, or to cohabit with more than one woman, or to commit incest, adultery or fornication contrary to said laws; that I will not at any time, in any manner, directly or indirectly, counsel or advise, any person to commit polygamy, or to obstruct or interfere with the enforcement of the laws of the United States, at any time, in obedience to any revelation, or any counsel, advice or command, from any source whatever, and under any circumstances, enter into, or aid in, or support, or aid in the support of, any marriage, or have or take more wives than one, or cohabit with more than one woman contrary to said laws; 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