

FROM WEDNESDAY'S DAILY SEPT. 14.

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 slayer is Charles Axtell. Both are miners, and have been working as partners on a claim in what is known 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—at the cabin. Bowen started out to fulfill his threat, and Axtell hurried forward to secure possession of the weapon. Both men went at full speed, and it was a veritable

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. "Scotty" Hunter, who was in bed 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. This was nearly midnight. 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

"GOING FOR 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 lodgment 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 sets out to do anything will endeavor to carry it out.

CONNELLY CAYES.

His Plea and Promise Secure the Court's Leniency.

John Connelly was in the Third District Court this morning. He was there also at the September term two years ago—on October 6th, 1885. On that occasion he received sentence for violating the Edmunds law by living with two wives, and was given the full penalty. He was again indicted for the period subsequent to his release from the penitentiary, and on arraignment at the April term pleaded not guilty. This morning he attended court with the intention of changing that plea, and expecting to receive the leniency of the Court by giving the promise he had declined to make in 1885.

Connelly's case was brought up today by District Attorney Peters informing the Court that the defendant was present and desired to change his plea.

Mr. Connelly was then called forward and after stating that he desired a plea of guilty to be entered, the Court asked—Do you wish to receive sentence now?

Connelly—Yes, sir; but I wish to make a few remarks. I plead guilty, though not guilty in fact. I have not been guilty since I was in the penitentiary.

Court—Then why do you plead guilty?

Connelly—I thought it best, so I could settle it for the future, though I am not. I mean to obey the law in the future. I have put away my second wife.

Court—When were you married to her?

Connelly—in 1879.

Court—You state that you will in the future obey the law?

Connelly—Yes, sir.

Court—You understand there is a revelation from God commanding plural marriage? Do you believe that revelation is genuine or spurious?

Connelly—So far as my conscience is concerned, I believe it to be correct.

Court—But notwithstanding that, you will not obey it?

Connelly—I will not.

Court—You will obey the laws of the United States?

Connelly—Yes, sir.

Court—You say you have sent your wife away?

Connelly—Yes, sir.

Court—You will not hereafter teach this doctrine, nor counsel or advise

anyone to practice polygamy or unlawful cohabitation?

Connelly—No, I could not do that and promise to obey the law myself.

Court—You state, then, that you will obey the law of the land, without making any mental qualification or reservation?

Connelly—Yes, sir.

The Court then asked Mr. Peters whether he had any recommendation to make, and the District Attorney replied that Mr. Connelly had made the same statement to him that he had made in court; he had also served one term in the penitentiary.

Mr. Connelly, I am disposed to take into consideration the circumstances of the case and the promises you have made, evidently in good faith. I will not impose any imprisonment. You will be fined \$200 and the costs of the prosecution, and stand committed until the fine and costs are paid.

Mr. Connelly's law dropped when the penalty was pronounced. It appeared from the expression on his face that it was heavier than he expected, but there was no help for it, so he had to pay the amount.

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, Park City and Bingham. The following were called by the clerk: J. R. Nichols, Mark McKimmins, M. B. Sowles, W. H. Seils, Henry Newell, August Fuelling, Victor M. Sturm, James W. Pierson, Edward W. Rupp, James Mickelson, Wm. E. Jones, J. H. Van Horn, Henry F. Sampson, J. B. Wald, J. H. Siegel, Joseph Durgin, John H. Rogers, E. P. Hatch, Jno. Dodds, Thomas Cooke, Stewart Stevenson and C. W. Heidel.

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 Heidel had only paid poll tax; they were also retained. Mr. Mickelson 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 Mining Company had received the benefit of the courts in litigation, and was in no position to take the step alluded to. Mr. Heidel 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 catechisms as to age, citizenship, residence, etc., and in addition, in each instance, the following questions were asked and answers given:

Mr. Peters—Do you believe in the practice of polygamy?

Juror—No, sir.

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

Juror—No, sir.

Mr. Peters—Or counseled or advised others to do so?

Juror—No, sir.

Mr. Peters—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. Sowles, Foreman.
J. R. Nichols, Mark McKimmins, Wm. H. Seils, James W. Pierson, Edward W. Rupp, James Mickelson, Wm. E. Jones, J. B. Walden, John H. Rogers, E. P. Hatch, John Dodds, Thos. Cooke, Stewart Stevenson, C. W. Heidel.

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 then sworn, subscribing to the following, termed the "Loyal League" or "Political Authorities" oath, in contradistinction to 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-one 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 lawful wife is; and that I will support the Constitution of the United States and will faithfully obey the laws thereof; that I will obey the acts of Congress prohibiting polygamy, bigamy, unlawful cohabitation, incest, adultery and fornication; that I will not hereafter, in any time, in obedience to any alleged revelation, or to any counsel, advice or command, from any source whatever, or under any circumstances, enter into plural or polygamous 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 hereafter, directly or indirectly, aid, abet, 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 am not a bigamist or polygamist; that I do not cohabit polygamously with persons of the other sex, and that I have not been convicted of any of the offenses above mentioned.

The Court then delivered a moderate charge to the jury, substantially as follows:

Court—Gentlemen of the grand jury. The oath you have just taken imposes on you the duty of diligently enquiring into all offenses you have reason to believe have been committed in this judicial district. It is necessary that an indictment be found, in cases to be prosecuted, and you should make a careful investigation that no man who is guilty may not be indicted, and that no man who is not guilty may be indicted. You must not indict on information received out of the grand jury room, but only on legal evidence brought before you. The various crimes which may be committed are defined in acts of Congress and the laws of the Territory. There are two offenses in this Territory which the people claim are sanctioned by revelation from the Almighty. You must not pay any attention to this claim, but it is your duty to indict as for any other crime. The fact that the majority sympathize with those who commit them, makes it necessary for these two crimes to be investigated very carefully. You should not be actuated by malice, hatred or ill will in any case, or be influenced by fear, favor, affection, or reward or hope thereof. Your only purpose should be to ascertain the truth in the mode pointed out by the law, and for no other motive. If the evidence is sufficient you have no discretion. If the evidence is insufficient you cannot indict. The attorney of the government will be with you from time to time, and will probably conduct the examinations. If you know of evidence to explain away a charge you should hear it. You should keep secret all the proceedings of the grand jury room—everything that occurs there, unless you are called before the Court to testify. It is your duty to inquire into cases where persons are confined, and into the condition of prisons; also the malfeasance of any officer. If you desire any further instructions you can communicate with the prosecuting attorney.

The grand jury then retired in charge of Bailiff Wm. McCurdy, and the Court took up the routine of civil business.

FROM THURSDAY'S DAILY, SEPT. 15.

Arrest at Beaver.

A dispatch from Beaver states that Thomas Taylor, formerly of this city, was arrested on Tuesday at Cedar City, on an indictment charging him with a crime against nature. He was released on \$3,000 bail.

A Scrimmage.

A lively scrimmage occurred in the hallway of the Wasatch building this afternoon. The grand jury were investigating a charge against Hyrum Barton. Deputy Marshal Pratt saw Mr. Barton endeavoring to talk with one of the witnesses, and bade him to desist. This was not done, and the officer requested Mr. Barton to depart. The latter refused to go and used some very abusive language to the deputy, who endeavored to eject him. Mr. Barton then struck Mr. Pratt several times, until, in self defense, the officer was compelled to administer one blow, which sent his antagonist back several feet. The latter then threw his hand to his hip pocket, and threatened to "fix" the officer if he came forward, but Mr. Pratt seized and dragged him out of the hallway and partly down stairs, where he was left to ponder over his rashness. Shortly after a rumor spread quickly on the street that Mr. Barton intended shooting Deputy Pratt on sight, but such a thing is not probable.

A Progressive Institution.

While there is a manifestly growing interest in the promotion of home manufactures, yet there are people who have a vague idea, based probably upon the crude results of first attempts in this line some years ago, that "nothing good can come out of Nazareth;" that to obtain anything beautiful or serviceable we must invariably send our money abroad. It will surprise some of this class to learn that while they are circumscribing sea and land in order to secure their household supplies, the home manufactures they neglect, are being largely exported and perhaps returned to them as foreign goods. Notably is this the case with regard to the Provo Woolen Mills. Messrs. Cutler & Brother inform us that more than one-third of their large annual product is eagerly sought for and sold in considerable quantities to business houses all over the Western States and Territories; the demand extending from Chicago to San Francisco. The constant improvement in the grade of the goods produced and the reasonable figures at which they are supplied causes such a call for them that the company are far behind their orders.

A Solemn Warning.

The following instance may possibly serve as a warning to those in this locality who engage in the unlawful killing of fish with giant powder, that there is danger of other and severer punishment than the law provides:

Tacoma, W. T., Sept. 11.—A terrible accident occurred at Orting, 10 miles from this city, on Friday. Wm. Lee, a farmer, went to the Carbon River, about a mile distant from his home, to fish for trout, intending to use in his operations giant powder that would be exploded beneath the water, thus killing the fish, which he could afterward gather. Mr. Lee did not understand just how to handle the dangerous explosive, and it seems he got the fuses too short, and while standing with a stick of the powder in either hand they exploded, tearing his hands and wrists into shreds and badly wounding him in various parts of his body, his legs being cruelly torn. Portions of the cloth of his trousers were driven into the flesh several inches. Nearly all the clothing was torn from his person, and he was knocked down by the force of the explosion. Both of his arms have been amputated between the wrist and elbow, but it is not believed he will recover.

Third District Court.

Proceedings before Judge Zane today:

E. C. Morgan vs. George Denton; demurrer to complaint overruled; 20 days allowed to answer.

Echo & Park City Railway Co. vs. W. I. Snyder, administrator, et al.; motion of defendants to open default allowed; defendant Snyder allowed 10 days to answer.

W. A. Dunbar vs. H. M. Morgan et al.; motion of defendant H. M. Morgan for new trial overruled.

S. A. Bassett vs. W. E. Bassett; demurrer withdrawn; 15 days to answer.

D. Turngren vs. M. R. Hyler; motion to dismiss appeal withdrawn.

George M. Scott et al. vs. Silas Reed; motion of defendant to retax costs argued and submitted.

Frederick Heath vs. Salt Lake County; motion of plaintiff for judgment upon report of referee, and motion of defendant to set aside report of referee, argued and submitted.

Thomas Keogh vs. John Doe Drake et al.; judgment by stipulation for plaintiff.

Charles F. Blandin vs. Salt Lake County et al.; demurrer to complaint argued and submitted.

Thomas LePage vs. John D. Graham et al.; demurrer argued and submitted.

Murdered for Money.

A dispatch dated Fort Shaw, September 12, says: News of a horrible murder committed at the head of the Dearborn Creek, reached here to day. The murdered party is a man named John Embody, 70 years of age, residing on a ranch. Detailed information cannot be had, but the following are the facts: Embody had sold out a part of his effects, with the intention of selling everything, including his ranch and stock, and moving to New York, there to pass the remainder of his days with some of his children, who reside in that state. He realized for what he sold \$125, and which he had in his possession at the time of the murder. The weapon he was murdered with was an axe, his head having been split open, and to hide his crime, the murderer dragged the body indoors and then ignited the cabin, presumably with the hope of having the corpse burnt so greatly as to have the real cause of his death escape detection. As it was, the lower part of the man's body was burned to a crisp, while the upper part suffered but little. His murderer is a young man, and a stranger in this section of country, having been in this vicinity for only about fourteen or fifteen days, having formerly lived in the Northwest Territory. In the afternoon, prior to murdering the old man, he stole two horses from a rancher in the vicinity to escape on after the deed was done, showing that it had been premeditated. Judge Lippencott, of Augusta, held an inquest over the remains. There are two officers on the murderers trail with competent guides to cross the mountains. —Butte Miner.

Kicked by a Colt.

Last Saturday morning, about half-past ten, John Moore, of Spring Lake, was seriously kicked by a two-year old brown mare, and narrowly escaped losing his life. At the time mentioned he went into the field with three other persons to get a load of corn. After the wagon was loaded, Mr. Moore went to catch a pet mare colt, "Dolly," that happened to have a sore neck, to take her home. He threw his arms around her neck to hold her while he tied her with the rope he held in his hand, when she suddenly whirled round and kicked him. He fell as though he was shot. One of the men, Alva Barnett, ran to his assistance, turned him over and tried to get him in the wagon, but could not succeed. They placed him under the wagon of corn, where he lay without breathing a word, only once, when he said, "Cover me up, I am cold." A boy who was there was dispatched for his wife, who is the daughter of Mr. T. J. Patten, of Provo Bench, and who, when she arrived on the scene, about half a mile from home, found him covered with blood. A terrible gash in his right cheek, and stinking very fast. Alva Barnett was sent to Payson, for Dr. Greer, and the boy to H. G. Boyle, who lives half a mile from that place. Moore was taken home and put in bed, by which time medical assistance arrived. The cheek bone was fractured. Had he been kicked one inch higher, it would have resulted in instant death. It was twenty-four

hours before he fully sensed that he had been hurt. Last accounts from Spring Lake states he is getting along as well as can be expected. —Provo Enquirer.

Young Donaldson Arrested.

At the inquest held at Stockton over the body of James Donaldson, who was shot by his son, the jury rendered the following verdict:

TERRITORY OF UTAH,
Tooele County,
Stockton Precinct. ss.

An inquisition holden at Stockton, Tooele County, on the 6th day of September, 1887, before J. C. Reynolds, Justice of the Peace, acting coroner in Stockton Precinct, upon the body of James Donaldson, there lying dead, by the jurors whose names are hereunto subscribed.

The said jurors upon their oath do say that the said James Donaldson, of Tooele City, came to his death in the town of Stockton, on the 6th day of September, A. D., 1887, from a pistol shot wound fired by his son James Donaldson, Jr., on September 5, in Stockton, and the said shot was not fired with felonious intent, but that the same James Donaldson, Jr., was intoxicated at the time, and it was the result of criminal carelessness, whilst handling a pistol.

In testimony whereof the said jurors have hereunto set their hands the day and year aforesaid.

DAVID B. STOVER,
HENRY BOOTH,
D. W. MITCHELL,
Jurors.

J. C. Reynolds, Justice of the Peace, acting coroner.

The result of this conclusion was that James Donaldson, Jr., was arrested and placed under \$500 bonds to await the action of the grand jury in the matter. There is no doubt that young Donaldson had no intention of injuring his father. The following is the statement made by Mr. Donaldson prior to his death:

"I hereby swear that the accident from which I am suffering was caused from the ball from a pistol held in the hand of my son, James Donaldson, and which, I firmly believe, here on my death-bed, to have been purely accidental. As I hope to meet my Maker."

Witnessed by:
J. C. REYNOLDS,
Justice of the Peace.

THE FREIGHT RATES.

The Conference will Give Salt Lake More Favorable Figures.

As mentioned in yesterday's News, the Committee on Railroads of the Salt Lake Chamber of Commerce, and Messrs. Silva and Griffin, of Ogden, had an extended conference with J. A. Munroe, Esq., assistant general manager of the Union Pacific, relative to the agitation on freight rates for and out of Utah. The following address on behalf of the Chamber of Commerce was read:

J. H. Munroe, General Freight Agent, U. P. R. R.

Dear Sir:—The business community of Salt Lake City has long and patiently struggled with the problems arising from our relations with the railroads. We have studied the problems fairly and carefully, and have earnestly endeavored to reach a solution of the same, which would not interfere with our own interests, would not injure the rights of the railroads or other communities. We have suffered loss, and our industrial progress has been, to say the least, retarded by the inability or the unwillingness of the railroads to deal with us on a basis that would enable us to develop our vast resources and make our city a distributing point for the extensive territory which would gladly pay to us the tribute they are now forced to pay to more eastern supply centers. We have long since recognized that without fair consideration of our claims by the railroads, it would be useless to try to make our city the supply depot for the territory fed by these roads. The power to regulate freight rates implies the power to determine from what locality supplies should be purchased. The regulation of these rates for the territory north of the Union Pacific line has been in the hands of the managers of the Union Pacific Railroad. The rates heretofore made by these managers have rendered it impossible for Salt Lake merchants and manufacturers to compete in the territory named with eastern rivals, and it is only through the necessary concessions from the Union Pacific that our business men can hope to successfully enter that field.

We have collected and collated the necessary data showing how, through the action of the railroad mentioned, which controls the trade of the territory north of Salt Lake, we have been completely shut out from the northern markets and placed entirely at the mercy of the manufacturer, wholesale merchant and jobber of Denver and Omaha, cities which have fattened at our expense, because they are the pampered pets of the railroad syndicate. We realize fully the truth of the principle that railroad companies, no more than private individuals, are obliged to sacrifice their own interests to the claims of others. Money invested in any enterprise is entitled to a fair return. It is a maxim, however, in law as well as of morals, that each one should so use his own property as not to injure that of others. *Sic utere tuo ut alienum non lidas*—and especially is this true of railroads, whose concessions from the people are based upon the expectation of corresponding benefits. If, in asking for protection against the evils which would be incompatible with the right interests of the railroads, our appeal might be justly denied. But we have studied the rightful claims of all and upon our understanding of them have based our demands.

A railroad management may be actuated by two kinds of policy. Freight and transportation may be regulated with a view to immediate revenue or upon a prospectively