

THE EXPRESS ROBBERY.

At the opening of the court, on Wednesday, May 7, the case of the *People vs. H. C. Shurtliff* was resumed.

The first witness called was J. M. Griffith, formerly teller of the Omaha National Bank, who testified to having put up on the 12th of September, 1876, a \$10,000 package for McCormick & Co., Salt Lake City, and showed his receipt of delivery to Edwards, then receiving agent for the Union Pacific Express Company.

J. M. Edwards, next witness, stated that he was the cashier of the U. P. Express Company in 1876 and on September 12th received a package from Griffiths and gave a receipt as stated. Identified receipt as his own. He stated that he delivered the package to Comstock the messenger.

J. O. Comstock then took the stand, and testified that in September, 1876, he was messenger for the Union Pacific, running between Omaha and Cheyenne, and that he received a package from Edwards, according to a receipt which he then identified, and gave the package to Mr. Kidder, on arriving at Cheyenne.

M. C. Kidder testified to having been a messenger on the U. P., between Cheyenne and Ogden, on September 12, 1876, and to having received, according to a receipt which was shown to and recognized by him, a package containing \$10,000, which he delivered to Mr. Gentsch, at Ogden.

F. C. Gentsch, being sworn, said he was U. P. agent at Ogden, September 14, 1876, received on that date a package of \$10,000, addressed to McCormick and Co., Salt Lake, and turned it over to Mr. R. M. Dooley.

The latter then took the stand and certified that in September, 1876, he was clerk for Wells, Fargo & Co. at Ogden. Received the \$10,000 from F. C. Gentsch, and delivered it to Mr. Williams.

W. G. Williams was the next witness called, and notwithstanding the objection of the defence to his being allowed to testify, since he had been tried, convicted and sentenced as a felon, a plea which excluded Mr. Reynolds from testifying in the Miles case recently, he was sworn and held to be competent as a witness. An argument on this took up the time till recess.

In the afternoon Williams was placed upon the stand. The following is the substance of his testimony:

He was messenger for Wells, Fargo & Co., on the Utah Central in September, 1876, and on the 14th of that month, at 5.40 p.m., received among other packages for Salt Lake, one addressed to McCormick & Co., said to contain \$10,000. After receiving it he went to his car and staid there until the train left. He was all alone in the car that night, until they reached Shurtliff's ranch, about 12 miles from Salt Lake, when the defendant entered the car from the west side, where he had been hiding in the sunflowers, and brought with him a sack of burglar's implements, which Williams first took and then helped the other into the car. Shurtliff was then given the \$10,000 package and secreted, so that any one could look into the car without seeing him. Williams permitted Shurtliff to tie him up to the side of the car with cotton strips. Shurtliff then defaced the door with an augur, so as to convey the idea that violence had been used. Shurtliff got off the train about a block from the depot in Salt Lake, when the train was going very slowly. Williams then stated that Shurtliff and himself and Shurtliff's wife were the ones who had entered into a plan to effect the robbery. The plan was entered into in August, 1876. Williams met Mrs. Shurtliff near the Warm Springs, by appointment, and was there told of the plan which she and her husband had entered into to rob Wells Fargo's Express. Williams saw Shurtliff a night or two later, in the express car, when the latter asked him if he had seen his wife, and said there was a good chance for him (Williams) to make a raise if he would go into the plan suggested by his wife, at the same time telling him how successful he (Shurtliff) had been in the cattle business on the Promontory. He promised to give Williams half the money if he would go in with him and also that he would employ the best counsel to defend him if he

were suspected. Two or three nights afterwards they agreed to the robbery, on Main Street, just below Godbe's drug store. Shurtliff was to give Williams half the money and stick right by him. The plan was that Mrs. Shurtliff should go to Ogden, and when Williams had enough money on board to justify the robbery he was to give her the signal by raising his hat to her. She was then to take the train and get off at the Shurtliff ranch, where the defendant was to board the train while it was standing. The train was to stop so that the express car would be just opposite a platform which the defendant had erected for the purpose. The stopping of the train was his signal to get on. This plan was carried out to the letter.

Williams was arrested about 1 o'clock the morning after the robbery, and after an examination before Alderman Raleigh, was admitted to bail, his brothers and Shurtliff becoming his sureties. He afterward went to Coalville, at the instance of Shurtliff, who was afraid he (Williams) would be hung up and made to confess, and kept books there, but did not stay very long.

The above is a digest of the proceedings until the court adjourned to resume the case this morning.

This morning, Williams was again put upon the stand, still under cross-examination. Letters written by him to Shurtliff since the robbery were produced and found to be somewhat inconsistent with alleged facts. For instance, one written since his examination before Alderman Raleigh is in the form of an humble petition, stating that he had been informed that his bondsmen were about to withdraw their sureties and that in consequence he would be remanded to jail, and asking Shurtliff to remove a surety for him; after thanking him for past kindness. Another letter is couched as a dun from Williams to the defendant, asking payment of \$25, for a bull he had sold him.

The defense are using these in rebuttal, on the representation that it is not consistent to suppose, if Shurtliff were implicated in the robbery, that it would have been necessary for Williams to couch his communications to him in the form of a petition or even a request. Under cross-examination Williams is apparently weakening. The first part of his story was plausible and created quite an impression, but when closely questioned his memory is very poor in regard to details. He acknowledges having been drinking the night of the robbery. He drank five or six times before starting from Ogden, and then drank from a bottle which Shurtliff brought with him; still he says he was not intoxicated. He stated yesterday that no one came into his car but Shurtliff; now he says he don't remember. His testimony regarding the interview at the Warm Springs with Mrs. Shurtliff, has also been somewhat shaken. In other details, too, he gets considerably mixed up. He was still on the witness stand at last accounts.

Thursday, May 8.

When Williams was asked yesterday how he reconciled the manner in which his letters to Shurtliff were written with the latter's complicity in the robbery, he answered that, as Shurtliff was suspected of complicity with him, he wrote in a non-committal style in order to guard against a miscarried letter.

After recess, Williams' cross-examination was resumed, and another letter from him to Mrs. Shurtliff dated July 20, 1878, was read in evidence, in which Williams states that he had been sent up for ten years, and urged Mrs. Shurtliff to get her husband to come to his rescue, on pain of divulging the whole affair of the robbery. The following sentences occur: "The meanness of Hyrum (Shurtliff) would have made me divulge long ago, but for your sake." "If we had thought it would have come to this we would never have committed the crime." "Burn this and do not show it to any one."

Witness then stated that this letter was written in the Penitentiary, but that Tilford and Hagan's letter heads were used in order to deceive Shurtliff into answering in some way to commit himself. It was written at the instance of Mr. Dooley. While in the Penitentiary witness had told George Stuntz that he would tell on Shurtliff. In answer to a question if he had ever stated that he had been offered

\$2,500 and a pass to San Francisco if he would disclose evidence to convict Shurtliff, witness said he had stated that Mr. Marshall had offered him \$2,000 and a pass to San Francisco to do so.

Q.—"If you succeed in convicting Mr. Shurtliff, do you expect a pardon?" "No, sir; I am doing this out of revenge."

Witness further stated that the reason for his revenge was that Shurtliff had not kept his word about helping him nor his family. That his testimony given at his trial was a lie, he did not then wish to implicate Shurtliff, but he was now telling the truth out of revenge.

Z. Jacobs, conductor on the Utah Central, testified that Mrs. Shurtliff went to Ogden two days before the robbery, as she said to stay three, four or six days, and returned the night of the robbery. Also that the platform at the Shurtliff ranch was there six weeks or two months before the robbery, and that he had often spoken to Shurtliff of the advisability of erecting one. He first heard of this robbery at a party after reaching Salt Lake. Did not see any one get on at Shurtliff's ranch that night. After hearing of the robbery went down and examined the express car. The lock appeared perfectly sound, though the door was somewhat defaced. George Warren, driver of the express wagon, testified that on the arrival of the train in Salt Lake the night of the robbery, he found the express car dark. Called for Williams but received no answer. He then went in the car and called again. Heard a groan and noise. Felt around and found Williams tied to the side of the car with cotton strips, two inches wide, some over his mouth and nose. His hands were apart and tied above his head. A number of unbroken packages were found on the floor.

Robert Bult, engineer, testified that the train stopped at Shurtliff's ranch the night of the robbery. There was a platform there which had been put up perhaps four weeks previous. The night after the platform was built Mr. Shurtliff had talked to witness about stopping there. Promised him some beef if he would accommodate him by doing so. Shurtliff sent half a beef one time and a half another time. Saw Mr. Shurtliff shortly after the robbery. Talked with him before going before the grand jury. He told witness he thought Billy was innocent. Witness also thought he asked him to notice if his (Shurtliff's) name was mentioned by the grand jury, and let him know. Witness met Shurtliff in the Wasatch Saloon afterward, when the latter asked him if his name had been mentioned. Witness told him he was sworn to secrecy. Again he asked, saying he had heard that Dooley had offered the grand jury \$500 to indict him. Shurtliff told witness he would send him down another half of a beef. He did so afterward. Witness had another talk with Shurtliff, a week afterward. He wanted witness to see Williams and tell him they were going to kidnap him.

On the day of the robbery witness saw Shurtliff at Centerville. He got out of the baggage car into the express car. He got off at his ranch in the afternoon.

Court adjourned till Friday morning.

Friday, May 9.

ROBERT BULT

Continued his testimony. When Shurtliff sent word to Williams that he was to be kidnapped I spoke to the latter across the street from Gray's saloon.

Cross-examined. I saw Williams on the road the afternoon of the robbery, and drank with him. He came on the engine this side of Ogden a few miles. I was not in the express car. Am not positive that any one else was in any other department of that car. Recollect stopping at Shurtliff's farm that evening. The engine was about a car and a half south of the platform. Saw no one standing on that platform or near it. Do not always look around to see who is getting off or on. Did not see Mrs. Shurtliff get off. I did not see the front door of the express car open. My impression is that the door was not open. If it had been the light from the car would have attracted my attention. Do not remember the time when Shurtliff spoke to me about stopping at the platform. It was before the robbery. We frequently stop-

ped there. I understood he wished us to stop to leave parcels, etc., which we often carried, on the platform instead of strewing them along his fence in no particular spot. Mr. Shurtliff asked me before I went before the grand jury if I had heard his name mentioned, and I said I did not think I had. Cannot state the time of this conversation. I think it was the day before I went to the grand jury. He asked what was said in the grand jury and I told him I could not tell, being under obligation to keep silent. He requested that I should tell him. After I had been before the grand jury I had conversation with him in the Wasatch Saloon and afterwards at the corner of West Temple and First South street. He asked me if I had seen Williams and asked me to take a message to him, telling him he would be kidnapped. At a previous conversation he told me he thought Williams was innocent. When I gave the message to Williams he was mad, but seemed sober. Noticed no appearances of intoxication. It became dark the night of the robbery when we were near Kaysville, which is 8 miles north from Shurtliff's farm, so at the latter place it was quite dark. I noticed no person near Shurtliff's farm. I have talked some with Mr. Dooley about this case, and with some other persons. Mr. Hume spoke to me on the subject after I had been before the grand jury. Mr. Hume said he was a detective for Wells, Fargo & Co., and was looking up the case; he talked with me about the facts as I have stated them here, and said my evidence would be material. Cannot tell when my last conversation with him took place, it was not within a few days, however. Knew that Shurtliff lived at his ranch up to the time of this robbery.

At the request of Judge Van Zile the testimony as given by the witness under cross-examination was read by the court reporter, after which the witness underwent a re-direct examination.

Do not always look around to get the signal. In that instance the platform was not on my side of the engine. The conductor has entire control of the train. On the U. C. R. R., trains will very often stop to let passengers on or off.

Re-cross-examination:

This stopping is a matter of accommodation.

MR. THOMAS DAVIS

Sworn: At the time of the robbery I was fireman on the locomotive of which Mr. Bult is engineer. I knew Mr. Shurtliff at that time, and remember the platform at his place. It was put up I believe about a month or six weeks before the robbery. Was before the grand jury. Have had no conversation with Mr. Shurtliff. I receive the signal coming from Ogden this way. The platform was built of inch lumber. Recollect a man jumping off there once, after the robbery, and breaking through the platform.

Cross-examination. The platform, I suppose, was rather weather beaten and out of repair when he fell through.

MR. W. S. MCCORMICK

Next testified: Live in Salt Lake City. Am a banker and was at the time of the robbery, under the name of McCormick & Co. Know of \$10,000 being shipped from Omaha National Bank. It was my property.

Cross examination. Know of it only by advices from our correspondent.

Some argument here took place in regard to the admissibility of Mr. McCormick's testimony, it being urged by the defense that it was merely hearsay. The prosecution desired simply to prove that McCormick was advised of the shipment of this money.

Re-direct. The \$10,000 was charged to my account in the Omaha books.

This was objected to but the objection was overruled.

Re-cross-examination. I had money on deposit in Omaha at that time.

MR. MULLOY

sworn; Am engaged in the livery stable business and was in the same business in 1876. Am acquainted with Williams and knew him in 1876. He got a horse at my stable on the 4th of August, 1876. Do not remember the time of day or night. (Witness produced the book in which he made entries of the horses which he

let.) It was after the arrival of the evening train from Ogden I let this horse to Williams. The animal was a bay pony. I was at the stable when he returned which must have been after 10 o'clock.

MR. A. MCGOWN

Testified: Live in Salt Lake City. Have charge of the books of Brown, who kept a livery stable but is since dead. Know his handwriting. (Was shown a book, handwriting in which he recognized as being that of the foreman Mr. Brown's stable. This was entry on the 4th of August.)

Cross-examination—Mr. Brown died May or June, 1876, was dead when the entry was made. (The book was not allowed in evidence.) The stable was 2nd South Street and after death it was for a while conducted in his name.

MR. J. E. DOOLEY

Was again put upon the stand. I was the agent of W. F. & Co. Salt Lake City at the time of the robbery. Did not receive the package of money. I received all a freight billed, except the money package of deeds, one of bonds consigned to the Deseret National Bank, and some other valuable parcels. The packages gathered in the car and brought to the office consisted of the usual quantity of freight and some opened letters. Went to the desk in the car and found the collections there undisturbed. The collections are valuable to any one but the company. They should not have been in the desk, but if placed in the usual way, should have been checked and put in the safe. Have had conversation with Mr. Shurtliff about the robbery, talking in the office Wells Fargo's bank, after the confession of Williams. Told him we wanted the money and bonds, and he said he did not have them. He also said at one time can never return the bonds." I conversed with him on the day Williams was sentenced, the last confessing to me who was the guilty party.

Cross-examination. Have been Wells, Fargo's agent since Mr. 1876. Mr. Shurtliff and the Wells Fargo Co. have had some difficulty once about some cattle. This was before the robbery. We took judgment for \$3,000 against him more than we were entitled to (and the witness here explained this transaction). No feeling was evinced over this cattle deal. Heard Shurtliff's name mentioned in connection with the robbery within a day or two of the event. It was after the robbery that this judgment was rendered. We finally settled the difficulty between us. On one occasion called him perjurer, this was after the robbery. I did not hear Mrs. Shurtliff's name connected with this matter until Williams went to the penitentiary. Did not try to induce a party of men to kidnap Mr. Shurtliff and string him up. Had a conversation with Sullivan, the man to whom the letter (a note produced by Judge McBride) was addressed, but do not say that I told him whom I suspected. (The letter referred to was read and offered a reward of \$5,000 for the recovery of the bonds stolen adding that no questions would be asked, and is signed J. E. Dooley. I may have expressed an opinion as to Shurtliff's complicity in the robbery, though until Williams' confession I never believed it. At the time of the conversation with Sullivan I was on good terms with Mr. Shurtliff. I sent a letter to Shurtliff before bringing suit that I wanted the money and bonds returned. I did not tell him that I had proof against him. I took him up stairs to our attorneys and heard Judge Royle advise him to give the valuables. I sent for Mrs. Shurtliff's brother, Mr. Crismon, and told him that letters were alleged to have been written which would be a great source of scandal, and wished him to persuade his brother-in-law to return the valuables. Hume was the first detective employed by Wells Fargo & Co. Mr. Sullivan also came, staying only a few days. A man named Hill also came, on his own responsibility. I know persons other than Mr. Shurtliff were suspected. I did not state Mr. Shurtliff that his name was put down as a suspected person the very first night of the robbery. I have never given Mrs. Williams money nor passed over the railroad. I have requested from Mr. Sharp that she might have passes, and she has received them.