THE PLUM ALLEY AFFAIR.

Taking of Testimony in the Case Against Marshal Parsons.

CHARGED WITH AN OFFENSE CONNECTED WITH GAMBLING.

The Police and their Movements—The Investigation Likely to Occupy Some Time.

As stated in yesterday's News, it was one which before a jury had been empaneled in the Third District Court to try the case of the People vs. U. S. Marshal Parsons, against whom the former grand jury found an indictment charging him with having knowingly permitted gaming in a house of which he is part owner, situate in Plum Alley. The jurors upon whom devolve the duty of deciding the case are Messrs Eli R. Kelsey, Henry Wright, D. W. Mitchell, J. A. Clinghan, William Mayne, John Snell, John Lees, J. A. Chiche, Hans Peterson, J. E. Jennings, J. J. Corum, P. G. Hoffman.

On the reassembling of the court at 2 o'clock after the formal reading of the indictment, charging the defendant with a misdemeanor, testimony was taken on the part of the prosecution as follows:

Frank H. Dyer, the first witness, testified to the effect—I am familiar with the house in question on Plum alley, and know what it cost, because I paid out the money. It cost about $10,000.

Assistant District Attorney Stephens then read the lease from Mr. Parsons to Quong Long Ling et al. for a term of fifteen years at a rental of $250 per month. The lease was executed, it appears, that the parties of the second part should not sublet the premises, with other provisions in regard to assessments for water, etc., and the care of the building.

To Judge Henderson, Mr. Dyer said that the building was of brick, consisting of three stories and a basement. The parties interested in the house were the defendant, M. K. Parsons, E. B. Critchlow, Prof. Millspaugh and himself.

Judge Henderson—Did Mr. Parsons sign any declaration as to the rights of the other parties?

Mr. Varian—We object, that is not proper cross-examination.

Judge Henderson—We want to show that such a declaration was made, and that Mr. Dyer was, in all its transactions, given entire charge of the building from the time it was commenced.

The question was sustained, and J. B. O'Reilly was called. He said—I am a police officer at this city, and am acquainted with the building in question on Plum alley. On May 17 last, I had occasion to enter the house with Officers Glenn, Dennyson and Duggett. It was about half to 10 o'clock in the evening when we called. We entered on the west side of the building and found the entrance to the second floor closed by a stout plank door. There was a peep hole in the door. Mr. Duggett and myself were disguised as Chinamen, and he gave the Chinese pass word, which admitted us. At the next floor we found the same sort of a door, but it was open. We entered a room on this floor, and we found some Chinamen.

Mr. Varian—What did you see?

Judge Henderson—We object to that on the ground that it is wholly immaterial. I want to know what there is connecting the defendant with this.

Mr. Varian—The lease shows that the defendant is the owner of the building in which he is a party, and it does anything changing his connection with it, it is not in the record. I propose now to show that gambling was carried on there, and that the house was used for gambling purposes. That is the first thing to show and the knowledge of it is an after consideration.

Judge Zane—Do you propose to show, Mr. Varian, that the defendant knew that gambling was carried on in the building?

Mr. Varian—We claim that all the evidence will tend to show that.

Attorney Arthur Brown—Do you claim that he knew of that before or after that?

Mr. Varian—I don't propose to be interrogated.

Mr. Brown—And yet you interrupted Judge Henderson in his argument.

Mr. Varian—Yes, because the question is improperly raised, as I take it.

Judge Henderson—The testimony for the prosecution already shows that six months before the offense charged, the premises had been surveyed away.

Judge Zane—Well, do you propose to show that the defendant knew of this?

Mr. Varian—We expect to introduce evidence tending to show that he knew what was going on.

Mr. Brown—But he couldn't have known what might take place in the future; when the lease was executed, he was powerless to do anything.

Judge Zane—He could have prosecuted.

Mr. Brown—Yes, as a citizen only, not as a landlord. He had no control over the building. He might have prosecuted, so might Mr. Varian. In fact it might have been more proper for him to have done so, because that is his business.

Judge Zane—Well, I am disposed to let the testimony go in.

Mr. Brown—I will take an exception.

Continuing, Mr. O'Reilly testified—When we got into the room we found a number of Chinamen there, and we arrested Brown (stricken for gambling). A few days thereafter we came up in the police court, where they were represented by Mr. Critchlow. I went through the house again in December 90. When I found it in the same condition as before. One was lottering, some were smoking, while others were smoking opium.

Mr. Varian—What was the general reputation of the house after that?

The Witness—It was reported to be a gambling house, in police circles.

The answer was stricken out.

To Judge Henderson—I have been on the police force since April, 1890. The building is located in Plum Alley, not in a public street. This occasion was the first time I ever entered the building. The basement is used as a restaurant and as store rooms. The entrance to the building is not guarded in any way. It was on the top floor that we found the men, and on the tables in the room we found tallies and $200 in money.

Judge Henderson—Who went through the place with you on your second visit?

The Witness—Mr. Varian.

"Are you sure of your third visit?"

"Mr. Stillman."

"Do you know anything about the reputation of the place except what you have heard from policemen?"

"Nothing whatever."

"Didn't you happen to pay your second visit?

"Mr. Varian wanted to go through, and I volunteered to act as his escort."

"Did you go to make arrests?"

"No."

"Do you recollect some table being made on gambling houses by the United States marshal?"

"Yes."

"Was it after that that Mr. Varian visited this house?"

"Yes."

"Didn't you make your raid right after that?"

"Yes."

"Didn't you do it to get even with the marshal?"

"Yes, it was."

Judge Zane—What's that? Do you say you did it to get even with the marshal?"

The Witness—Well, his deputies had been raiding Chinese gamblers, and thought they might have raided this one.

The next witness was William H. Duggett, and he stated—I was with the last witness when the raid was made. I spoke to the Chinaman at the door in his own language, asking him to let me in. I gave the word from Musical Young. After entering I held the Chinaman, while the others went on and arrested seven Chinamen for gambling. The game of tan is played with checks, buttons, pieces of colored paper, and a brass cover. It is a Chinese gambling game, and the implements are used by the police on this occasion are such as are used in playing tan.

To Judge Henderson—While I was on the force I had no particular beat. I have seen tan tan played in San Francisco and Seattle.

Judge Henderson—Is any signal put out where the game is in progress?

Witness—Yes, they usually hang out a lantern.

"Did you ever see an indication of that kind at this building?"

"No."

"You have seen such a signal elsewhere?"

"Yes, frequently."

"What is the meaning of the remark you made to the Chinaman at the door that night?"

"It means 'open up.'"

"Have you been into the house on other occasions?"

"Yes."

"Ever have any difficulty in getting in?"

"No, I always found a free passage."

Charles B. Glenn, the clerk of the police court, produced the record of the case of Ah Moon and ten others, charged with gambling.

Hugh L. Green testified to the police court record in the case.

Ex-Police Justice Laney also identified the record, and Mr. Brown then objected to the whole thing as being immaterial.

Mr. Varian replied that he did not offer this testimony to make the defendant responsible for the offense of the Chinaman at that time, but to show that the fact that gambling was carried on in the building was notorious.

The court ruled that the record might go in, and it was read.

Officer Yocum testified that he was on duty on Commercial street for six months after September last. The general reputation of this house on the block was that it was a gambling house.

To Judge Henderson—I have seen signs out of this building which indicated that gambling was going on.

Judge Henderson—Do not the people talked to you about its being a gambling house?

Witness—Oh, you hate of them.

"Now name some of them."

"I can't do it."

"Name one."

"I can't do it."

"Now, who did you tell of it?"

"I didn't tell anybody."

"There were other houses there that you knew it to be gambling houses?"

"Yes."

"What was you put up there for?"

"To preserve the peace."

"Wasn't it your duty to report such things at law?"

"Yes."

"Why didn't you do it, then?"

"Oh, I suppose it was reported before."

Mr. Varian—Reported where?

Witness—At large.

Officer Jenkins testified—I was on the Commercial street beat for a year, and went through this house a number of times. I once heard a noise in the house—a sound like the clicking of chips, and also a sound like the clinking of silver pieces. I have heard the same thing there frequently. I do not know what the reputation of the house was.

Judge Henderson—You never heard anything about this building did you?

Witness—No.

"When did you go there?"

"I went through the building about five times a month."

"Ever have any difficulty getting in?"

"None whatever in getting into the building, but the rooms were locked."

"Anything unusual in the name of a lodging house being locked up in o'clock?"

"No, but the room in which I supposed the gambling was going on was locked, and I couldn't get in unless I battered down the door."

"Did you batter it down?"

"No."

"What did they do?"

"Oh, they would throw down the whisker and look at me."

"Then they would go right on as though it was none of your business?"

"Yes."

"You were in full uniform?"

"Yes."

"And you did nothing?"

"No."

It being now the usual time for adjournment, the further hearing of the case was continued until 10 o'clock this morning.

M. I. A. Normal Class.

The M. I. normal class convened on February 8th, that day being the beginning of the second term. There is a total membership of fifty-two. The Associations are about equally represented.

We have made very good progress under the direction of Dr. M. A. Hardy, in our normal lessons, according to the M. I. A. manual.

The tier table studies are thoroughly solid, sound and literature.

The subjects are planned out in such a manner that any person according to which accordingly can do so by taking up the work and attending the M. I. Association.

Programmes have been carried out each succeeding day, aside from the regular studies we have had civil government and parliamentary law, under the able instructions of Prof. J. R. Keeler, Mon. J. L. Hoffs and Mon. R. A. Wilson. Theatres in one favored by musical instructions by Prof. H. E. Tullis.

Today (the 4th inst.) is the end of the second term of the M. I. Association. The day was spent in a very interesting and instructive manner. The forenoon was occupied with the reviewing of our past lessons. This afternoon a very fine programme was carried out, consisting of lectures on some of the subjects laid down in the manual, also singing and reciting. In keeping to use we had a cornet paper entitled "The M. I. Normal manuscript," with Sarah A. Cooper as editor.

A number of visitors were present, among whom was Prof. Karl G. Maeser, Bishop Jesse Gault, Jr., H. H. Rendall and David John, all of whom made some very encouraging remarks, heartily endorsed the manual and the M. I. work.

Mrs. Cornelia Clayton, in behalf of the class, presented Brother Hardy with a beautiful monogram album and a gold pen, as a token of their regard for him.

Sentiments of gratitude and thanks were tendered to all who had in any way aided the M. I. work.

ELDA CLAYTON, Class Reporter.

PROVO, March 4, 1892.

UTAH LEGISLATURE.

COUNCIL.

MONDAY AFTERNOON.

H. F. 60, regulating the practice of medicine in the Territory was rejected by a vote of 6 to 4.

C. F. 19, to protect landlords, lessors and servants in the collection of rents and wages" was slightly amended and passed.

H. F. 138 preventing the waste of natural gas and to provide for the plugging of all abandoned wells, was passed.

H. F. 94, for the escapement of sheep in coal mines operating in the Territory took a similar course.

H. F. 120, relating to proceedings for the recovery of real property also was passed, together with C. F. 112, which cuts down the salary of the fish and game commissioner from $300 to $150.

The following bills were filed for third reading: H. F. 236, for the disposal of estrays; H. F. 236, for the salary of workmen employed in coal mines; H. F. 172, relating to the jury; H. F. 132, providing for the shearing of portions of Washington and Kane counties to Iron county; and H. F. 37 (unfinishable) relating to the branding of cattle.

C. F. 104, providing for the removal of the Deaf Mute School from the University of Utah to the Exposition building, was rejected.

The act to provide a special and defined registration for Logan was vetoed, as follows:

Hon. W. H. King, President of the Council, Salt Lake City.

SIR—This act received me on the 19th day of February. By its terms it expires on the 8th day of March, and it is not even remotely approved it could have been in force only twenty-eight days. This shows that the purpose of the act, in the opinion of the legislature, needs to be amendment, never to make the exigency of the case stated. The purpose of the law is to permit citizens of the second ward that held elections on March 7, 1891, and that voted for mayor and aldermen, to register, in order that the power to the date of election. It all must take notice of the Laws of Utah, it is known there is only one city which has an election on that day at to which the law can apply, and the form of the law is so framed that there is no reason to think it possible it can ever apply to another city or at any other of office. If the only objection to this act was that it is special and prohibited legislation, it would be difficult to sound the objection.

I am, very respectfully,

ARTHUR L. THOMAS, Governor.

C. F. 34, recording claims to water rights, was, on motion of Moran, taken from the table and on consideration rejected.

Melville presented claim of the county collector of Millard County for $192.25, amount of taxes remitted by the county court as uncollectible. Referred.

At 4:45 o'clock the Council adjourned until 2 p.m. Tuesday.

It Was Not Re.

Editor Deseret News:

In your issue of the semi-weekly of March 1st, I read of a case of burglary being committed in Salt Lake City, and the culprit gave in the name of Martin Harris, and not being aware of any man claiming that name in and around any of our States of Zion, I feared that some of my friends also might have been victimized, and that it was not Martin Harris, the son of Martin Harris of Book of Mormon fame, and that he may possibly have fallen from the faith and be engaged in such lawless acts.

Please say that I am living in the Bannock Stake of Zion, in Idaho, and am true to the faith of the Book of Mormon.

Yours respectfully,

MARTIN HARRIS, Jr.

LOGTOWN, Idaho, March 4, 1892.

County Court Matters.

Following is the business transacted in the County Court yesterday afternoon after the News report closed:

The Eureka Gas Saving Company asked that the court examine and report on the work done by their standard automatic gas regulator placed in the jail and Court House January 5. It was referred to Selectmen Hardy.

The report of the superintendent of the infirmary for February was filed.

The claim of Dr. Eade was referred to the sheriff.

The bond of Kelly & Co. was approved.

The petition of Jacob Aulbach to be relieved on account of double assessment, referred to county attorney.

Selectmen Hardy and Calmon were appointed a committee to establish a road and authorized to advertise for bids for the performance of such action.

The petition of the Old Jordan Milling and Mining Company for remission of taxes was referred to the county attorney.

The petition of Joseph Fleeman and John Homes for remission of taxes on account of double assessment was referred to the county attorney.

Horace Hardy, the committee on a county room was instructed to get quotations up town for W. J. Lynch, assessor. This order supposed if the complaint made by the assessor's office concerning the lack of room and the position which had been vacated in the court, reducing these already inadequate quarters.

APPOINTMENTS.

The following appointments were made:

J. C. Barlow, [illegible]
[illegible]
Wm. Gardner, [illegible]
Geo. Hopkins, [illegible]
Geo. T. Ivory, [illegible]
Geo. Kipps, [illegible]
Geo. Lee, [illegible]
Wm. Lee, [illegible]
Wm. Mack, [illegible]
D. H. Peterson, [illegible]
[illegible]
Wm. Sandrock, [illegible]
Wm. Sandrock, [illegible]
Wm. Sandrock, [