

my case before the U. S. Commissioner at Logan on the first inst., I have thought I would drop you a line for publication, and will state that I had a fair and impartial hearing, and was acquitted of the charge of unlawful cohabitation entirely on past merits (or demerits, as you choose) without being asked any questions regarding my intentions in the future and without any proposition on my part.

Yours,  
O. N. LILJENQUIST.

### Accidents on the Railway.

On Wednesday evening two injured men were brought in on the U. P. No. 1 and taken to the U. P. hospital, in this city. One of the men was named J. M. Hay. While coupling at Granger, Wyoming, he slipped, and had his right hand caught between the bumpers, mashing all of the fingers as well as the little finger on the left hand. Dr. Perkins is of the opinion that but two of the fingers will have to be amputated, though it may be necessary to further remove the injured members.

The other party, Charles Allin, of Ogden, a brakeman on the main line, slipped and fell at a point somewhere between Ogden and Evanston and one of the trucks ran over his left hand, crushing the fingers. Yesterday two of the fingers were amputated and it is thought that the others can be saved, though it cannot be definitely ascertained for a few days.

Both men are doing as well as can be expected under the painful circumstances.—Ogden Standard, Nov. 16.

### In the British Mission.

Twenty-eight missionaries and two ladies arrived in Liverpool on October 20th, per Gulf Company's S.S. Alaska, all in good health. Ten of the party are destined for the Swiss and German Mission; six will labor in the Scandinavian Mission; and the others in Great Britain. They left Salt Lake City on October 10th, and had a favorable journey, the only detention being caused by a slight mishap to one of the Alaska engines, hindering the vessel a few hours on the ocean.

There are a few individuals who proposed going in the last company, but were unable to complete their arrangements for so doing. To obviate the necessity for their remaining until next spring, we will make up a limited party to sail on the 17th.

Elder Henry Tuckett, recently Traveling Elder in Manchester Conference, has been appointed President of the Leeds Conference. Elder Thomas Beard, Traveling Elder in the Manchester Conference, is appointed President of the Newcastle Conference.—Millennial Star, Oct. 29.

### Death of Jesse West, Jr.

About 6 o'clock this morning Brother Jesse West, Jr., died at his residence in the Fifth Ward of this city. About a month ago he was called to go on a mission to the Southern States, to leave here on Nov. 6. On the evening of Nov. 2 a party was given in his honor in the Ward. He had been making arrangements for his departure, but as he was not feeling well he was directed not to make the start on the date fixed. About Nov. 4 he began to be seriously ill, typhoid pneumonia having developed. He was given the best of attention, but sank to rest today. He was an unassuming man, and bore an excellent character. He was about 35 years of age, and leaves a wife and seven small children, the youngest but a few weeks old. He was the son of Counselor Jesse West, of the Sixth Ward. The bereaved family have the sympathy of a wide circle of friends in their affliction. The funeral will probably be held on Sunday, at the Fifth Ward meeting house, the time not yet having been fixed.

### Cauvass of Returns.

Following is the official cauvas of the returns of the general election held on Tuesday, November 6th, 1888, in Utah Territory, for Delegate to the Fifty-first Congress:

COUNTIES.	John T. Quinn.	Robert N. Bashin.	Samuel H. Thurman.	Scattering.
Box Elder.....	346	64	11	
Beaver.....	174	77	13	
Cache.....	904	86	24	
Davis.....	341	55	24	
Emery.....	221	49	18	1
Gardfield.....	104	8		
Iron.....	171	14	4	
Knab.....	238	146	26	
Kane.....	92			
Millard.....	127	21	3	
Morgan.....	224	48	3	
Mitch.....	116	28	3	
Rich.....	105	8		
Salt Lake.....	2639	1199	94	1
Sanpete.....	14			
Sevier.....	914	128	43	
Summit.....	325	65		
Togoole.....	309	717	10	
Utah.....	271	100	3	
Wasatch.....	1458	254	200	
Washington.....	32	18	1	1
Weber.....	196	5	12	2
Washington.....	357	10	3	1
Totals.....	10117	3481	601	6

No returns were received from the following precincts: Terrace in Box

Elder County; Pareah in Kane County; Snake Valley and Burbank in Morgan County; Burpee, Kane Wilmot, Gravel Valley, Teasdale and Pleasant Valley in Piute County; Bureau and McElmo in San Juan County; Grass Creek in Summit County; and Brown's Park in Uintah County.

### Probate Court.

Proceedings in the Salt Lake County Probate Court:

In the matter of the estate of Levi Smiley, deceased; bond of Mardis Thomas in the sum of \$2,500, as administrator, filed and approved.

In the matter of the estate of B. F. Pendleton, deceased; petition for order of sale of real estate came on regularly for hearing; proof of publication of notice of time and place of hearing made; order of sale of real estate made.

Estate of Sarah E. Cavanaugh, a minor; order made appointing time and place for the settlement of guardian's account.

Estate of George Nebeker; order made fixing a day for return on sale of real estate.

In the matter of the estate of Levi Smiley, deceased; order made appointing Jesse W. Fox, Jr., Leonard G. Hardy and M. W. Taylor appraisers of said estate.

Estate of Thomas T. Hardy, order made appointing William Lynch, James A. Buman and H. H. Brough, appraisers of said estate.

Estate of Nelson Lawrence; petition for settlement of executor's account came on regularly for hearing; proof of posting notices made; order made approving executor's account.

Estate of Samuel L. Sprague; petition for settlement of executor's accounts came on for hearing; proof of posting notices made, and order made approving executor's accounts.

### A PAINFUL ACCIDENT.

George Goddard, William Willes and James McNiven Severely Hurt.

The many friends of the brethren named above will regret to hear of the mishap detailed in a letter dated Nov. 14th, from our Huntington correspondent, William Howard:

"Elders George Goddard and William Willes, of Salt Lake City, left there on Saturday morning, the 10th inst., to visit Emery Stake, in behalf of our Sunday schools, also to visit our quarterly conference, which convened on Sunday and Monday, the 11th and 12th, at Ferron. Arrangements had been made for these brethren to leave Price with the mail that travels through the county, but owing to the train being late they failed to reach Price in time, so had to remain there over night. Brother James McNiven, of Huntington, was at Price, and he kindly proffered to bring the brethren over to Huntington.

"Everything went well with them on Sunday morning until nearly half way to Huntington, when they met with a serious accident. At one point on the road there is a very steep hill to go down. Just as they had started down this hill the bridges of the team broke and Brother McNiven having no control over the horses, the latter ran away and, making a quick turn on the side of the hill, the wagon turned over, throwing the party of brethren out on a very rough place that was more or less covered with rocks and boulders.

"Brother Goddard was severely bruised on the right shoulder and the left side of his head, and had one rib broken, and lay insensible for a few moments. Brother Willes was hurt very badly on his left hip and otherwise severely hurt. Brother McNiven was also badly hurt.

"After the brethren had taken care of themselves as best they could, Brother John James, of Orangeville, came along and brought them to Huntington, a distance of twelve miles. It was a very painful ride, but the brethren stood it first-rate. They were taken to Brother Elias Cox's, and have there been taken care of by many kind friends who came to see them, and who attended to them night and day. We are now glad to say that at present they are improving very fast, and expect to be able to leave for home in a few days."

### THEIR COMPENSATION.

Marshal Dyer Thinks His Year's Service is Worth \$25,000.

WILL THE WHOLE LOT SATISFY THEM? The Church Attorneys Retire From the Examination.

The examination into the question of compensation of the Receiver and his attorneys was again proceeded with before Judge Sprague yesterday afternoon. The day before, the attorneys had asked for \$10,000 each as their compensation for advice. There was the peculiar position of one of the counsel for the plaintiff in the case, the district attorney, claiming pay for advising the Receiver, an effort was made to sustain the proceeding by evidence that the Attorney-General of the United States said that it was "all right." On resuming the hearing, at 3 p. m. yesterday, Mr. Rawlins renewed his motion to strike out the testimony that had been taken. In support of this Mr. Sheeks was sworn, and testified that he had not received any notice that the Receiver was to be called as a witness. The motion was

not passed upon by the examiner, who stated that he could only submit it to the court.

Further discussion ensued, and it was finally decided to call E. P. Ferry, who testified—I live in Park City and am engaged in mining; at one time I was engaged in the lumbering business and also the banking business; I have a general knowledge of the work done by Mr. Dyer as Receiver in the case of the United States against the late corporation of the Church of Jesus Christ of Latter-day Saints; my knowledge of such work has been gained from the newspapers and also from a perusal of the testimony of the Receiver as given on Wednesday evening.

Q.—Have you such an acquaintance with the kind of property he describes as would enable you to form a good idea as to what would be a reasonable compensation for his services?

Mr. Rawlins—I object to that.

The Examiner—I do not think I ought to pass upon the retention or rejection of any of the testimony offered; but that I should report it in full to the proper court.

Mr. Ferry—I base my judgment on my experience as an executor of several estates, in which both real and personal property was involved. I think the compensation received should be upon the basis of the amount of property he recovered from the Church, and the magnitude of the bond he was compelled to give. I should think 5 per cent. upon the total amount of property handled by him would be a fair compensation.

Mr. Rawlins—Suppose that the receiver was also a United States Marshal; that his duties as receiver did not prevent him from attempting to his duties as marshal; would you say that the compensation would be the same?

Mr. Ferry—if one man can do two men's work, I see no reason why he should not receive two men's salaries.

P. L. Williams testified that he had been employed as counsel a little over a year, and had begun ten original suits to recover Church property. His further statements were simply a recital of the case as published in Marshal Dyer's testimony yesterday.

A discussion followed as to an evening session. The attorneys for the receiver wanted one, while the Church attorneys protested. The examiner finally ordered a recess till 7:30 p. m.

On resuming at that hour Marshal Dyer was not present. After a time he arrived, however, and was questioned as to what he thought his services were worth. He testified—I consider my services worth at least \$25,000. Mr. Peters has declined to say, in behalf of the Government, whether this amount would be satisfactory, but I have notified the other side that this would be my claim, and I have been notified by them that they would make no objection to that amount. The attorney for the government in this matter is Mr. Hobson.

Mr. Rawlins—We have been given to understand that the Church will not oppose that amount. This being so, who represent the government here, Mr. Dyer?

Mr. Dyer—I am not prepared to state.

Mr. Rawlins remarked that if the government was not represented the taking of the testimony was useless. If it was to fix the compensation the Receiver, so far as the Church was concerned, the Receiver had asked for \$25,000, the Church attorneys had not objected, and prolonged examinations simply added to the costs unnecessarily. If the government objected to the amount, the government should be represented.

Mr. Sheeks (to Mr. Peters)—You do not represent the government at this examination, then?

Mr. Peters—Yes, to a certain extent.

Mr. Sheeks—How far?

Mr. Peters—Well, I am here and ready to proceed with the examination.

Mr. Sheeks—But to what extent do you represent the government?

Mr. Peters—I am here to attend this examination.

Mr. Sheeks—Well, I think we are entitled to know to just what extent. All parties interested—the government, the church, the receiver and his attorneys—are entitled to representation. If the government is not represented there may be some question about the legality of the transaction.

Mr. Rawlins (to Mr. Dyer)—Would you be satisfied with \$25,000?

Mr. Dyer—Yes.

Mr. Rawlins—There are other interests at stake than our own in this matter. If the government is finally successful in this issue, the money will go to the public schools of this Territory, and someone should look after this interest. I do not think the examination should proceed unless the government is represented here.

Mr. Peters is acting as attorney for the receiver. In fixing this compensation there ought to be somebody present who is responsible for the government. We make the suggestion, and think under these circumstances the case should not go on.

Mr. Williams recognized and proposed to recognize Mr. Peters as a government representative so far as this investigation is concerned. He wanted to proceed with the examination and was not willing to act upon the suggestion that comes from the other side. Whatever compensation is allowed the receiver, must be fixed by the court after all. As the government itself has allowed their highest

officer to come in, he thought the remarks of Mr. Rawlins indicated over-anxiety.

Mr. Sheeks—It is well known by lawyers and certainly by the attorney for the receiver that all parties should be represented. Mr. Peters declines to say whether he represents the government or not. If he does not represent the government, then we are spending our time here for nothing; the testimony adduced will be illegal and improper. As to our over-anxiety, we simply place this thing upon a legal proposition. Have the parties been notified? If not, why should we proceed?

The Examiner thought that, to a certain extent, at least, Mr. Peters represented the government. He did not see where the clients of Sheeks & Rawlins would be at all injured; neither could he see any good reason why the examination should be postponed. If the gentlemen for the defense declined to cross-examine, that was their affair. Mr. Williams certainly should be allowed to introduce such evidence as he desired.

Mr. Rawlins—In regard to our over-anxiety, Williams and Peters are the attorneys for the receiver, and are therefore, interested in seeing that his compensation is placed as high as possible; that is what they are paid for. An attorney acting for the government would certainly want it as low as possible. If we are simply to play an examination and enact a farce, we ought to know it. If the government is not represented, there is a legal inconsistency about the whole affair. It is certain that Mr. Peters can't serve God and the devil at the same time. The interests of the Receiver and the government are antagonistic; he must appear as the representative of either one or the other. Last evening he examined the Receiver with the view of fixing his compensation as high as possible. Now which side does he appear on?

The Examiner again insisted that Mr. Williams should be allowed to introduce such evidence as he desired.

Upon this line of proceeding being adopted, Messrs. Sheeks and Rawlins withdrew from the examination.

Fred. H. Auerbach was called and testified—I have resided in Salt Lake twenty-four years; I own and handle real estate as well as my general business; I have also some interests in live stock; yes, I have been and am engaged in business of various kinds; I am familiar to a fair extent, with the duties of the Receiver in the case mentioned; there is no doubt but that the position is such as to call for a great deal of business tact and energy; if I had not heard the sum of \$25,000 mentioned by the Receiver, I should have said that 5 per cent would not have been too much; I would not care to handle it for any such sum. There is no doubt but that other men could have been found who would have done it for less, but I think the character of the man who is able to give a bond of \$250,000 should be taken into consideration. If I have a collection to make, I am compelled to pay 10 per cent.

W. H. Remington testified that 5 per cent of the total amount handled would be a proper compensation.

Fred Simon testified I have been merchandising in Salt Lake for several years past, and have been engaged in other business for eighteen years or more; I have some idea of the business transacted by the Receiver in that capacity, and from what I know I should estimate that he was entitled to 2 1/2 per cent on the property turned over, and 5 per cent on the amount recovered; if the chance to take hold of this matter tomorrow were offered to me I would not take it for less than the amounts named.

L. Goldberg thought \$25,000 was little enough.

Mr. R. Evans thought the sum asked, \$25,000, was very low.

J. E. Dooley said there were portions of the property on which a collector would receive 10 per cent. and other portions 5 per cent. He thought it had taken a good deal of tact and perseverance to ferret out the property.

M. B. Sonles thought 5 per cent. on the total amount involved would be a fair compensation.

At this point an adjournment was taken till this afternoon.

### THIS AFTERNOON.

At 1 o'clock, not one of the parties had appeared, but by 1:20 a start was effected.

C. P. Mason was the first witness. He testified—I have been in business in Nevada and am now in business in Utah; in regard to the compensation of Frank H. Dyer, as receiver, in the suit of the government against the Church, I think that Mr. Dyer's claim, \$25,000, is low; I think 5 per cent of the total \$700,000 would be a fair compensation; I have never been engaged in the business of receiver, but I have known something of that class; I have had to pay ten per cent for collections; I consider the extent of the bonds, etc., and I think he should not \$35,000 above all expenses for deputies, etc.; I would not give five per cent every time he asked for it; I think that such a sum every year might be unreasonable.

W. S. McCormick, the banker, testified—I have examined Mr. Dyer's testimony of his labors as receiver in the suit against the Church; I think the amount asked by him, and consented to by the Church attorneys, \$25,000, is a reasonable fee; that is, for a sum total for his whole receivership; that is, if it terminates in a reasonable time, say in two years from his appointment.

Jacob Moritz, the brewer, said he had read the account of Mr. Dyer's labors, as detailed in his testimony; thought \$25,000 a very reasonable amount for compensation; I think it is worth a good deal more; I know the court, not the bond; I placed the bond so high; I think there should be compensation for the responsibility involved.

Mr. Kerr testified—I have been engaged in banking, mining and stock-raising for 24 years; taking into consideration Mr. Dyer's labors as receiver in this case, I would say a fair compensation would be about 6 per cent.; that would not be too much on \$700,000; that would be for services up to date; this would give him \$35,000 net; I think he has done good detective work and his responsibility has been great.

This closed the testimony on the part of the receiver, as to the compensation he should receive.

In regard to the compensation of the attorneys for the receiver, Arthur Brown testified—I am acquainted with the usual compensation of attorneys; there is no specified standard. I have been informed of the nature of the services of P. L. Williams and Geo. S. Peters, as attorneys for the receiver; I would say the compensation they ask for, \$10,000 each, is not unreasonable; their services are worth that.

Mr. Young—Would it not have been an easy task for one lawyer?

Mr. Brown—I think one lawyer could have done it.

Mr. Young—And his regular practice also?

Mr. Brown—I think so.

Mr. Young—Then you would say \$20,000 for one lawyer?

Mr. Brown—I don't think \$15,000 for one would be any more than \$20,000 for two. I think the combination of attorneys would enhance the value of the work. The work is better done with two heads than one.

Mr. Young—Then one lawyer would not have done as well?

Mr. Brown—He might have done.

To further questions, Mr. Brown said that if more than two lawyers had been employed, he would have given them more than \$20,000. I think these two attorneys put in half of their time, and that \$10,000 each is not too much. If there had been but one, I should have said \$12,000 or \$15,000. I know of no case where, with the amount involved, and the service rendered, attorneys have ever charged \$20,000. I believe I have heard of one case where a greater fee was charged in a case.

Judge J. R. McBride testified—I think the services of the two attorneys for the receiver to date, are worth \$10,000 each; I think that is moderate; I know of a case where as large a fee was paid; in the Brigham Young estate case our firm received \$10,000.

To Mr. Young—I would say that they should have been paid \$10,000 a year, each. I don't think that extraordinary in this case.

Mr. Williams announced that several other lawyers would be called as witnesses, and a brief recess was taken till they came in.

### The "Record."

The Historical Record for October is out with a lengthy article, on the Eight Witnesses to the Book of Mormon, including biographical sketches of Christian Whitmer, Jacob Whitmer, Peter Whitmer, Jr., John Whitmer, Hiram Page, Samuel Harrison Smith and others. The number also contains the dying testimony of the late David Whitmer and other items of interest in connection with that remarkable man; also a short sketch of the Whitmer family and an extraordinary experience in the life of Mary M. Whitmer, mother of five of the witnesses to the Book of Mormon. The current volume of the Record is unusually interesting.

### Superior Blankets.

In the show window of John C. Cutler & Brother are specimen blankets, probably the finest and best ever produced in the west, California not excepted. The wool is so fine as almost to be silky to the touch. The material is not pulled, and consequently the blankets are not so bulky as some that are greatly inferior in quality. The pulling does not add to the excellence of the article, however, although some prefer blankets which are put through that process. That is generally a feature of those imported from California. In producing those now in Cutler & Brother's store, the Provo Mills beat their own record in that line of manufacture.

Leadville, Col., Nov. 3.—Word was received in this city this evening that the Pacific Express Company and the ticket offices of the Denver & Rio Grande and the South Park at Dillon had been robbed this afternoon. The particulars so far as learned are as follows: Mr. Adams, the agent, went to dinner about 1 o'clock, locking the safe and leaving everything secure. On returning he noticed the ticket office window had been raised about two inches. On entering the office he found everything as he left it. Having occasion to open the safe he found that the funds were gone, not a cent being left. No one here knows the amount stolen.

London, Nov. 17.—Business on the Stock Exchange was suspended today in order that the building may be cleaned.