

the fact that among all the judges, challengers, checkers and onlookers, none deemed that anything was transpiring to warrant any remonstrance or interference, seems conclusive evidence that there were no illegal or overt violations of law on the part of defendant, and if there was any miscount, or if the tally lists and the number of votes cast did not agree, all the judges at that poll were careless and should be corrected, but unless it can be shown that the same was done or omitted with intent to defraud or subvert the will of the people, a criminal action will not lie, but can be determined by civil action on the part of the contestant for office.

After giving the fullest scope to the evidence of the people and carefully noting all the facts, my impression is, that the evidence will not warrant holding to the Grand Jury, and the defendant is discharged.

THE CHURCH CASES.

At ten o'clock September 1, there met in the Third District Court room, Col. Stone, appointed by the Territorial Supreme Court to sit as a special commissioner to examine the accounts of F. H. Dyer as receiver of the Church of Jesus Christ of Latter-day Saints; Mr. Dyer and his attorneys P. L. Williams and J. W. Judd; United States Attorney C. S. Varian, who represented the government; Messrs. F. S. Richards and Le Grande Young, representing the Church; Bishop John R. Winder, who had been subpoenaed as a witness; F. E. and Charles McGurrie stenographers; the clerk of the Territorial Supreme Court; a number of spectators and reporters.

Col. Stone took the oath of office before the clerk, when the latter retired, and the two stenographers were next sworn. The commissioner then dictated to the stenographers the introductory portion of the record.

Mr. Williams, addressing the court, said he understood that specifications were to have been filed in behalf of the government, before the taking of testimony, directing attention to those portions of Mr. Dyer's accounts which were objected to.

Commissioner Stone said it had been expected by him that this would be done, but he thought testimony might be proceeded with, and the specifications filed during the progress of the investigation.

Mr. Williams then moved formally that the specifications be required to be filed before commencing to take testimony, and that the latter be confined to matters referred to in the specifications.

Mr. Varian objected to the motion, claiming that this investigation was for the purpose of examining into the whole of Mr. Dyer's accounts as far as might be found necessary. He said he would not at this time prepare specifications.

Mr. Williams made a further argument in support of his motion, insisting that it would be perfectly

consistent with the order of the Territorial Supreme Court instituting the investigation, and with the usual practice in such cases, to require such portions of Mr. Dyer's accounts as were objected to or questioned, to be specified before taking testimony. Such would be an orderly and methodical procedure.

Commissioner Stone said the order under which he was acting required him to investigate the whole of Mr. Dyer's accounts and doings during the whole period of his receivership. If the specifications had been filed it would have facilitated matter but he did not think he had the authority to order it done.

Mr. Varian offered in evidence the record of the proceedings that had been had before Judge Harkness and Judge Sprague, while they were acting as special examiners in this case.

Mr. Williams objected to the introduction of such portions of that record as were not competent and relevant to issues now pending. He could not specify them in detail. His objection was sustained.

John R. Winder sworn, and examined by Mr. Varian: I was residing in this city when the Edmunds-Tucker law was passed; held no ecclesiastical position at that time except the office of a Seventy; could not state the exact number of Stakes at that time; generally a Stake corresponded in area with a county; tithing was collected in the different Stakes and was deposited at local offices; some Stakes had tithing offices and some had not; in some the tithing offices were ward concerns; could not state in whom the titles to the various tithing offices in the various Stakes vested prior to the incorporation of the Stakes and wards; there are three temples completed and one in course of erection; I am partially posted as to the uses for which these structures are designed; the Church in the past has believed in the doctrine of plural marriages; I understand that plural marriages have in the past been performed in temples, but cannot speak from personal knowledge.

Mr. Varian here read from the testimony given by Angus M. Cannon before Judge Sprague, in which Cannon described the uses for which Temples were designed, and asked the witness if he understood Mr. Cannon's testimony to be true. The witness answered affirmatively.

Mr. Varian read further from the record of Mr. Cannon's testimony, which related to the ordinances and work performed in Temples, and asked the witness if it was true. The latter said he could not speak from personal knowledge, as he had never been through a Temple. He further testified: There was formerly on the Temple Block a building known as the Endowment House, but it has been torn down; the Tabernacle and Assembly Hall are used exclusively for public worship; the Endowment House was used for purposes similar to those of temples, such as giving endowments; marriages were also performed there; I do not know personally that, during the prosecu-

tions under the Edmunds law, in 1884-5, plural marriages were proven to have occurred in that building; it was generally understood that such marriages were, in former years, performed there.

Mr. Varian—Were you committed with a certain transaction by which Salt Lake Stake was turned over to the Temple fund certain property amounting to thirty odd thousand dollars. The witness answered affirmatively and stated the substance of the transaction.

To Mr. Williams—In the spring of 1887 I was a Seventy; later I was a High Priest; in May, 1887, I became a Bishop and Counselor to the presiding Bishop.

To Le Grand Young—I cannot speak from my personal knowledge of other uses than those I have named to which the Endowment House was, and Temples now are, put; one of their uses is baptism for the living and dead; I do not know of any plural marriages having been performed in any of these buildings since 1887; do not know that it is intended to use the temples for such a purpose; there is a religious ordinance of marriage performed in the Church; it is not necessarily a polygamous marriage; I could not definitely state all of the uses a Temple is designed for.

Le Grande Young—Don't you know, as a matter of public notoriety, that there have been no plural marriages since March 3, 1887?

Witness—Such is my understanding.

Mr. Young—Do you not understand, as a member of the "Mormon" Church, that an order has been issued, forbidding such marriages?

Witness—I so understand.

To Mr. Varian—President Taylor died in July, 1887; do not remember Mr. Cannon's testimony regarding the giving of recommends for plural marriages.

Mr. Varian read a portion of the testimony of Mr. Cannon, to the effect that, in former years, recommends for plural marriages had been countersigned by him, and asked if that practice was in accordance with the witness' understanding of what was done.

Witness—Yes, at the time referred to by Mr. Cannon; but I understand that since the time to which he referred instructions were given, forbidding the celebration of plural marriages.

In answer to Commissioner Stone, the witness testified concerning the time when the Temples at St. George, Logan and Manti were built, and of their uses; he did not know of his own knowledge that they had been used for celebrating plural marriages.

To Mr. Varian—Do you not remember that it was proven that Rudger Clawson was married in the Logan Temple to a plural wife?

Witness—No, sir.

Mr. Varian—As a matter of Church history, don't you know that the Temple at St. George was used for years for celebrating plural marriages?

Witness—Of my personal knowledge I do not know that it was so used.