DESERET EVENING NEWS.

Saturday, May 7, 1892.

LOCAL BREVITIES.

The Fourth quorum of Elders will meet next Monday evening in the Fourth ward meeting house.

The Fourth quorum of Seventies hold their regular monthly meeting on Monday evening next, at 7:30, in the Twenty-first ward meeting house.

In the case of L. H. Dale vs. E. C. Coffin, the jury in the Third District Court this morning brought in a sealed verdict, finding for the defendant.

The regular monthly meeting of the Eighth quorum of Elders will be held in the Thirteenth ward assembly rooms on Monday, at 7:30 p.m.

BERTHA PARKER and Eva Nordin, a couple of females of loose character, are registered on the trial docket of the police court for prostitution.

W. P. McKinney, the genial and popular purchasing agent of Thomas Paxton, is confined to his room with a severe attack of la grippe. His many friends hope for his rapid and permanent recovery.

Mrs. M. A. Sax was most agreeably surprised at her residence on Friday afternoon on the occasion of her birthday by a number of her lady friends, who met and spent with her a very pleasant evening. Congratulations mingled with the refreshments, and the entertainment passed off with satisfaction to all who participated. We join the good wishes expressed on the occasion.

The following story is related of a young man in this city whose greatest failing, perhaps, is affection. On leaving home for a college course in the East, he made his mother promise him in a plain and honest boy-like manner, saying: "Mother, mother, I shall think of you constantly and write often. Of course, my college training had its effect on him, as will be seen from the following letter he sent to his mother soon: "Hello! Mother, Ah! I guess you will an all spoiling? Iowa." When it is considered that the youth uses glasses, handles a large mane same much oil, sports a cane, wears a silk hat and smokes cigars and does nothing industrial, his little sweetnesses can be understood.

Baptisms.

Elder Theodore Tuttleson officiated at the baptisms on Tuesday, May 3rd, 1892, and led G. T. Tobiason as was inadvertently placed on the slips given the parties on that date to hand over to their Bishops. All the Bishops in the Stake who received the slips referred to are requested to make the correction.

Priesthood Meeting.

The regular meeting of the Priesthood of the Salt Lake Stake was held in the Assembly Hall this morning beginning at 11 o'clock, President Angus M. Cannon presiding.

The usual opening exercises were conducted, prayer being offered by Patriarch A. H. Raleigh.

All the wards of the Stake were represented by their presiding officers excepting the Second, Fifth, Tenth, Fifteenth and Twenty-third city wards and Mountain Dell and Brighton of the country.

The Presidency of ten quorums of Elders responded to the roll call; also the Stake superintendents of the Sabbath schools, and the Young Men's Mutual Improvement Associations.

President Angus M. Cannon stated that the Bishop of each ward write out and leave with the clerk of the Stake, or send to him, a statement of the amount subscribed and the amount paid at and since the general fast day on May 1st for the building of the Temple, that the total amount paid and the amount subscribed in this Stake may be ascertained. A special case was brought up showing the consequences of neglect in joining the quorum a man's Priesthood entitles him to belong to and in the payment of tithing; President Angus M. Cannon gave it as his opinion that the poorest among the saints, even those who receive donations from the Church, should pay one-tenth of that income as tithing, that acknowledgment of the gifts of God may be made in the Bishop, and he thus be enabled to judge of the financial conditions of all the Saints of his ward. He spoke of the necessity of our honoring God and His authorities upon the earth, that He, through His Son, may honor us.

General discussion of the case in point followed, and the necessity of faithful performance of duty on the part of all was emphasized, including attendance at quorum meetings and the regular public meetings.

President Joseph E. Taylor spoke in answer to some questions regarding points in connection with the session. He read from the Doctrine and Covenants in explanation of the fact that some date after the administration of the Elders. The Priesthood is given for the sealing of health and strength, but if the person dies, after the administration, he dies in the Lord. A circumstance which occurred in the life of the Prophet Joseph was related to illustrate this truth. But a man who is acting in this capacity should attend to the duties of his Priesthood in other directions, and not neglect one branch of his duties for the sake of another.

President Penrose spoke on the same points, stating that all who act in the Priesthood should gain the confidence and assistance of their brethren by attending their meetings and performing their other duties, that additional strength and influence may be given them.

President Angus M. Cannon stated that men who are in prominent positions should not be deprecated in the minds of the people on account of some weakness they may have had, for if God forgives their sins we have no right to remember these faults against them.

The meeting was adjourned to the 2nd Saturday in June, at 11 a.m.

Benediction by Bishop Lewis H. Mousley.

THE WALKER DINING ROOM

Will Open Sunday Morning under the Management of J. J. McCloskey.

J. J. McCloskey, proprietor of the Walker House dining room, which is to be opened on the American and European plans Sunday morning for breakfast, desires to announce to the public that Mr. Alexis Higuieras, formerly steward of the Alta Club, and more recently head waiter at the Walker under Major Eels's management, will occupy the same position under Manager McCloskey. Peter Cooling, formerly chief at the Knickerbocker, will have full charge of the culinary department.

VANISHED INTO THIN AIR.

The Charges Against Messrs. Varian and Stephens Fall Through.

NOTHING TO SUBSTANTIATE THEM.

A Serious Charge Against Attorney Riley Gives an Unexpectedly Dramatic Turn to the Inquiry.

The investigation into the charges preferred against Prosecuting Attorney Varian and his assistant, Attorney E. R. Stephens, and which began at ten o'clock this morning in the Third District court, before Chief Justice Zane, drew together one of the largest crowds of local attorneys that has been seen there for many a long day. Every available nook in front of the space allotted to ordinary spectators was crowded, and the proceedings created the liveliest interest.

Messrs. Varian and Stephens were represented by Judge Henderson and Attorney Rawlins respectively, on behalf of the complainants Judge Beatlie appeared.

Judge Zane formally called on the case, and the taking of testimony was at once begun.

Attorney C. R. Glenn, ex-police court clerk, was first called and questioned as to the hearing of the charge against Albert F. Greves, in March last, in Judge Geo's court, and the papers in connection with that case. He said he gave all the papers offered in evidence to Attorney Riley after the trial. Clerk McMillan refused to give witness a receipt for the papers until their return to him by Mr. Riley, which was subsequently made.

Deputy Clerk George E. Loomis, of the Third District court, said that certain papers were received from Mr. Riley, in the District court office, but he could not remember whether he or Mr. McMillan took them from him. They were five or six in number, and Mr. Riley requested that they were very valuable. The record showed that they were given to Mr. Varian on February 8th, and witness delivered them to him personally. He told Mr. Varian they were valuable papers, and asked him to take care of them.

To Mr. Rawlins witness said that they had refused to allow the papers to go out of the District court office, and they were copied there by a lady typewriter. This was prior to the hearing before Commissioner Greenman. Attorney W. A. Kinney and others interested in the case came and looked over the papers from time to time. He could not say exactly how many papers there were in the packet, not having counted them, or felt as to their nature, but there were five or six of them. It was on February 8th, election day, that witness handed the papers over to Mr. Varian. It was at Witness' suggestion that he took them. There seemed to be an impression that the papers might be lost, and as they were said to be very valuable he thought the district attorney had better have future charge of them. Whether Mr. Varian actually carried the papers away with him, after all, he could not say. Attorneys did sometimes leave papers behind them in the office. The papers were in use in the Commissioner's court, but whether until after the trial at the case he could not say. They did not necessarily go direct from the District court office into the Commissioner's court.

To Judge Henderson—It was about noon on the 8th, he believed, when Mr. Varian came in, but he had no recollection as to whether or not he took the papers away. Witness did, however, lay them out for him on the corner of his desk. He could not remember that anyone was in the office at the time besides Mr. Varian.

Witness was asked when the first inquiry was made after the papers, when they could not be found; but he could not fix the date at all. Mr. Kinney was the first to inquire for them, however, at the time they were missed.

Attorney W. C. Riley was next called. In answer to Judge Beatlie he said he received from the Clerk of the Court Clerk Glenn certain papers—the entire transcript, with exhibits, used in the preliminary trial, two deeds and a mortgage—used in the case of Albert S. Greves. Witness obtained them on the Saturday morning, saw they were all right, and handed them over to Deputy Clerk Loomis, whom he charged with their importance, and telling him their nature. Some time after the organization of the grand jury he received from Mr. Stephens in his (Mr. Riley's) office and gave him an outline of the case. Mr. Stephens and he conversed upon it, and Stephens said he would examine the papers, which he then had in his possession, and submit the case to the grand jury. He proceeded to examine the papers thoroughly. About a week later he heard Judge Wampler saying something to Mr. Stephens about "vindicating" these men (Greves and Bolton) before the grand jury, and Mr. Stephens became "mad." He also told witness to "shut up" when talking complaisantly about the case. The last time witness saw the papers was when Deputy Clerk Loomis read the deeds and mortgage to Commissioner Greenman on the Bolton examination. Those papers were all now missing.

To Mr. Rawlins, witness said he was employed by Mr. Wood, and assisted the prosecution at the preliminary examination of Greves. His services then were in consultation of a purely civil proceedings. He was unable to state the date on which he handed over the papers to Mr. Loomis.

Mr. Rawlins—Who prepared the complaint filed in this case against Mr. Varian and Mr. Stephens?

Witness—I think Judge Beatlie.

Q.—Who was present?

Judge Beatlie objected to the question, but Mr. Riley said he did not know.

Asked what interest Judge Wampler had in the matter, witness said he took his place temporarily. He denied having gone before the grand jury on one occasion, betrayed them by any member of their body, or charged them with neglect of duty. Witness was then interrogated as to the purport of the deeds and other documents, the object of his trip east to Omaha and elsewhere on the afternoon of the 8th of February, and other general matters surrounding the case against Greves and Bolton. Many incidents in the late trials were raked up and discussed at length, and the cross-examination was a prolonged one, the object being to show that counsel and others had themselves an object, in the interest of their clients, in getting these papers out of the way. Nothing, however, was brought to light to demonstrate this in any way. When Mr. Rawlins got through, Judge Henderson took the witness in hand and subjected him to a rapid fire of questions, in which the issue of Bolton, a defendant in the criminal proceedings, conspicuously figured.

Glenn Miller next took the witness-stand. He was clerk of the February grand jury of this court, before whom came the case of Jackson Bolton. The papers in the case were handed to him by the district attorney, with others. Those papers (produced) comprised the original complaint against Bolton, the warrant for his arrest, and the subpoenas of witnesses. He received no papers in the case of Greves. When the grand jury had finished with the papers they were turned over to the court.

To Mr. Rawlins, the witness stated that Mr. Stephens went before the grand jury and said that Bolton had asked the privilege of testifying there in his own behalf, and remarked that they were at liberty to hear him, if they saw fit, but that was the substance of all he said, and he had made the same statement in other cases before other grand juries, where he had called witnesses in behalf of the accused persons. Mr. Riley (the attorney) went before the grand jury on one occasion, and said they organized and said they had no right to take the Bolton case up, that it was then in the United States commissioner's court, and that "the other side" were trying to "carry it over the heads of the grand jury;" further, that there was no more power in him (Bolton) to testify for something of that kind than the rightful owner of wrong. Mr. Riley talked "very vehemently" while pacing the floor in the matter. Witness had him the grand jury had a right to take up any case they cared to, and that they have nothing of any case in the court unless that they had the papers before them and proposed to investigate it. Witness protested against the words "bulldozing" the grand jury in that way.

Judge Zane—Then why didn't you come to the court? Had you not been charged that you must not allow anyone to talk to you, except as witnesses, in the grand jury room?

Witness—Yes, and that is why I did not come to the court. Witness went further to say that Judge Wampler also went before the grand jury, gave his view of the case, and stated what in his opinion were the whole facts.

Judge Zane—Was the grand jury in session when then?

Witness—Yes.

Mr. Rawlins—Was Judge Wampler ever subpoenaed to appear before the grand jury.

Witness—Not that I am aware of, and I was surprised to find him there.

Roger P. Sears, another member of the February grand jury, said he did not remember that he had ever any papers but the complaint in the Bolton case.

Judge Beatlie—I think that is all the evidence we have to present.

The other side then opened.

District Attorney Varian first went upon the stand and said he had no recollection whatever of having had the papers in question in his possession. He either did not take them from the District Court clerk's office or they had been mislaid. If he did remove them he might have carried them over to his office just as he would any other package given him. Papers do not vary often enough to him in the way out of the clerk's office; it was quite the exception. The statement made by Mr. Stephens to the grand jury was an ordinary proceeding.

To Judge Beatlie, witness said he had never looked at the papers and did not know where they were now. Papers concerning matters for the grand jury usually went into Mr. Stephens' office, but he was confident that he did not have these particular papers in Mr. Stephens.

Assistant District Attorney Stephens next testified. He said he had no knowledge of having seen the missing papers at all. He mentioned the plan adopted in regard to documents to go before the grand jury, and said had he received the papers in question he would know something about them now. He had absolutely no recollection of having seen the deed or other papers from Mr. Varian or anyone else. He did go into Mr. Riley's office to discuss the Bolton case with him. Mr. Riley thought a certain fraud had been perpetrated (which witness explained in detail.) Witness had no papers with him in connection with the case at that time, and had no interest whatever in the defendant Bolton. He simply had a "nodding acquaintance" with him on occasions. Witness told the jury if they thought proper to hear Bolton's statement in the interest of justice they had that privilege, and in this witness did not think he was acting rude. Even Mr. Riley himself, in some cases, had requested him to allow defendants to go before the grand jury and give testimony in their own behalf. After the grand jury had ignored the charge against Bolton, Mr. Wampler insinuated that it was due to witnesses' interference, and he naturally felt very much incensed, being entirely innocent of such a charge. Witness had nothing to "influence the grand jury in any way whatever, and was willing that every member of that body should be called on that point.

To Judge Beatlie, Mr. Stephens said he knew of the existence of these deeds at the time it was charged that Mr. Woods had been defrauded, but he had no recollection that it became material to his mind that the papers should go before the grand jury in the Bolton investigation.

Mr. Stephens had left the witness stand but returned. He said Mr. Riley had remarked to him in this matter, "You know there is nothing in it, Stephens; but we want to show diligence in getting the original."

Mr. Rawlins—What else did he say to you?

Witness—He said that his own personal theory was that somebody had hired some member of the grand jury to steal the papers.

After stenographer Fred. McMurrin, who took notes in the examination in the Bolton case before Commissioner Greenman, had given evidence,

J. R. Latchet, court reporter of the *Herald*, said that on the 8th inst. he heard Mr. Riley say to Mr. Stephens, while in the Western building, that his own theory about this matter was that some member of the grand jury had fixed them so as to obstruct the investigation. Mr. Riley gesticulated in a very emphatic way.

Mr. Rawlins—We ask that Judge Beatlie be sworn, and the latter went to the witness stand.

Mr. Rawlins—Had you any other information or other evidence on which to base the charge which has been filed against Mr. Varian and Mr. Stephens than that which has been presented here?

Judge Beatlie—I refuse to answer the question. What information I have I respect while acting as counsel for a man in a litigated case, and I do not propose to tell you about any information I have.

Mr. Rawlins and Attorney Kinney the same question, to which the latter replied—I shall not answer it for the same reason.

To Attorney Riley counsel repeated the question, and received the answer—I have not heard all the evidence that has been produced here; I have been searching for the letters referred to during this hearing and I cannot find them.

Mr. Rawlins—That's all.

All the evidence being now in, Judge Zane proceeded to review the case, and set out by read a long line of complaint that had been published. He found nothing whatever in the testimony, he said, to sustain the charge that the obtaining of the deed by Mr. Varian was "more properly" in order to authorize the court to say so. There was nothing to show that he had acted in any way improperly. The witness could not find, indeed, as to whether or not the deed went into his possession; there was great uncertainty about it. The Judge quoted at length the several allegations against Mr. Stephens, and said he was acting in his capacity in this affair, judging from the testimony adduced, in a manner to criticise. As to the charge of his having wilfully or negligently suppressed the deed from the grand jury, there was no evidence whatever that that deed was ever in Mr. Stephens' hands. In fact, the probabilities were that it never was. The chances were that it was mislaid, or, if it was, that it had been mislaid, or that some person interested somehow got possession of it. Of course it was important that courts of justice should look into these matters when they came up, see that the fountain was kept pure, and that justice was not perverted or perverted; but there was nothing here to warrant the Court in criticising the conduct of these two officers.

His Honor's remarks following this gave quite a dramatic turn to the morning's proceedings. Referring to the statement of grand juror Miller in regard to Attorney Riley's alleged remarks in the grand jury room, his Honor said—assuming the evidence to be true—that Mr. Riley was "not justified in himself in such severe criticism. Mr. Miller had stated that the attorney went into the grand jury room and there discussed the case with the members, but they organized with smoking statements which were very improper. The grand jurors had no right to discuss cases under their investigation with attorneys or any other interested persons, and any man who sought to interfere with a grand jury had very little respect for the laws of the country or for justice, and if he were sure that Mr. Riley had done such a thing, after consideration, his name would be stricken from the rolls. He called upon the attorney to explain.

Mr. Riley emphatically denied that he went before the grand jury in any fashion whatever, and stated that the balance of the grand jurors be questioned by the court. Mr. Miller was absolutely mistaken, and after his Honor had criticised he trusted that the whole of the grand jurors be called to speak.

Two of the grand jury happened to be on hand, and they were interrogated on oath—Messrs. Henry Buhring and Orrin P. Miller. Neither of them had seen Mr. Riley in the grand jury room on any occasion, but the latter had went out of the room in search of a witness. He said Mr. Riley accosted him as to what case was before them. When told that Bolton was a witness, he replied, "By G—, what is he going in there! I will see Stephens in regard to this."

Judge Zane—Well, I will pass the matter over at present, but attorneys and others must understand that they have never hung around any grand jury about any case that is being investigated before them. It is a disputable business for attorneys to have elevated conversations with the grand jury room. It is certainly a most disputable practice.

Attorney Riley—Your Honor, I have never hung around any grand jurors.

The subject then ended and the court adjourned.

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No. 3—For Provo, Price and points [illegible]
No. 7—For Ogden and the West [illegible]
No. 9—For Ogden and the West [illegible]

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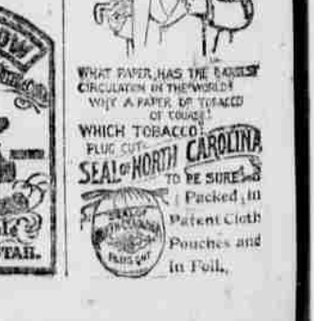
STOCKHOLDER'S MEETING.

THE ANNUAL STOCKHOLDERS' Meeting of the Utah Commercial and Savings Bank, will be held at their office Tuesday, May 10th, 1892, at 11 o'clock a. m., for the election of Directors for the ensuing year.

M. E. CUMMINGS, Cashier.