

A. Yes. You will see from the statement of disallowances what disallowance were made, and for what reasons.

Q. From your knowledge and experience in the investigation of accounts of court officials, and from the casual examination of the papers before you, what would you say as to the necessity of having a careful examination made into the accounts of these officers in Kentucky?

A. I suppose that Mr. Chase would be a better judge of that than I am. He has been on the spot and knows how far he has gone. I do not know what ground he covered in his investigation; his report does not indicate it. For instance, I do not see anything in the papers as to the report of Mr. Chase on this charge of \$680, stationery, in the emolument return. This is a matter which came directly under the marshal's observation, and for which no deputy is responsible. The other matters might, perhaps, be traced to the deputies. This charge may be right; he may have paid that much money for stationery, or it may have been a clerical error in using the word stationery instead of some other word showing the purpose for which he may have paid out this money.

By Mr. Van Alstyne:

Q. From the papers that have been given to you for inspection, and from the report of Mr. Chase, the examining agent of a former attorney general, what do you say as to whether or not there is a disclosure of irregularities in the office of marshal in the State of Kentucky?

A. Undoubtedly.

Q. Is that report, and are the papers submitted in connection with it, of such a character that this committee would be justified, or that you as an examiner, would be justified in recommending a reformatory line of action, or would a further and more specific examination of the fees be required?

A. I suppose that the points raised by Mr. Chase, and the statements of Mr. Diven, show what really has been done there. I have no doubt that the statement of Mr. Diven shows the real state of affairs as they then existed, because Kentucky was not the only State where such things occurred. They had been found in other districts.

By the Chairman:

Q. What is your opinion as to the necessity of making more careful examination into the affairs of that office?

A. The necessity would depend upon the objects of the investigation.

Q. With the same objects in view that you have had in the investigations which you have made into other offices.

A. The investigations made heretofore were made with a view of recovering the money.

Q. Could not the money be recovered in this case if it was found that it was drawn out improperly?

A. If the Treasury Department has not acted on this report of Mr. Chase's, and has not suspended the marshal's accounts, it may be that an examination made on the spot, even at this late day, would result in recovering money for the Government.

Q. If fictitious and fraudulent accounts have been allowed by the Treasury Department, can not the money be recovered?

A. Yes: it is possible that the Treasury Department may have suspended payment on these accounts at the time that Mr. Chase made his report. If that has not been done, I have no doubt that the money can be recovered for the Government paid out on fictitious charges made and presented by the late marshal.

Q. You mean even if they had been allowed and paid?

A. Even if they had been allowed already they would be recharged to him, and recovered on his official bond.

Q. Then it is your opinion that where accounts have been allowed by the Treasury Department of such a character as indicated by these papers the amount can be recovered by the institution of suits against the marshal and his bondsmen?

A. Yes: if the proof is conclusive that the Government has paid out moneys it did not owe they can be recovered on the marshal's official bond by reopening the account and recharging the marshal with them.

Q. Assuming that such proceedings would be instituted, what would you say as to the necessity (having in view the economy of the service) of further inquiry into these accounts?

A. The view of which you speak is that this proceeding be instituted by suit?

Q. Yes, by suit or otherwise?

A. If with a view to proceed by a suit, an examination might be necessary; but whether it affects the economy of the service I can not state, because these abuses may not to-day exist in Kentucky.

Q. You know that they did exist at other places at that time?

A. I know that they have existed in districts which I have investigated.

Q. Up to the time of your recent investigation?

A. Yes.

Q. Do not these papers disclose only a very partial amount of the business which must have been transacted in that office during the term of Marshal Murray?

A. These papers show a very little part of it.

Q. If the office were managed during his incumbency of it in the same way as these papers disclose for the short time that they did cover, would it not be well to have an examination made of the whole of his official term?

A. As I said before, if it is to recover

money an examination may be necessary so as to secure the proofs of fraud or of fictitious accounts.

Q. Or of excessive charges?

A. The only difficulty will be that as the charges are very old it will be difficult to find proof of them. The witnesses may not be living, or it might be difficult to find them.

Q. That would be determined upon inquiry?

A. Yes.

Q. How much time would it require for one of the agents of the Department to make what would be regarded as a proper investigation into the affairs of this office for a period of four years?

A. To go through the fee account for four years properly, taking each year as requiring two months, would make eight months; I mean to go through them and to probe them. In making our investigations we have usually examined only one year. The Fitzsimmons accounts covered but one year. I only took the unadjusted accounts, and they showed false statements to the amount of \$7,000 in one year. That examination, which also included his emolument return, took me three months, and the Longstreet investigation occupied three officers two months. There is a good deal of time lost in traveling and hunting up witnesses. Take, for instance a case against John Smith. The marshal's account may show that he arrested John Smith at a certain place and transported him to a certain place. In order to test that item the agent has to find John Smith, and has also to find the man charged as a guard; and finally, he has to get hold of the deputy-marshal and make him own up that he has rendered a false account.

Q. Then you take a year, or a portion of a year, and make a thorough examination as to that time, and make an average as to the rest?

A. I never did that with the marshal's accounts. I have never averaged them. I did that once with Wolfley, clerk of the court in New Orleans.

Q. Then you did not come to conclusion as to the Fitzsimmons accounts?

A. I disallowed about \$7,000 on his unadjusted fee accounts for one year. I found from his books that he had kept from his deputies moneys due to them for fees earned, and for which accounts had been presented to the Treasury and allowed to the amount of \$11,800. Against that \$11,800 there was, I think, \$3,500 in the Treasury to Fitzsimmons's credit. That was \$11,800 and \$7,000, making \$18,000, besides \$5,000 or \$6,000 emolument returns. He had given false receipts claiming credits for money which he had not paid out. In that way I got at the twenty-odd thousand dollars which I spoke of the other day, and which my report shows. The marshal's earnings from civil cases were not touched at all, because that would have been an endless job.

Q. Have you any other statement to make in relation to your examination of the papers before you?

Q. No, sir; I have said about all that occurred to me; and these are only surmises from the face of the papers. Adjourned until to-morrow.

To be continued.

CORRESPONDENCE.

Forty-seven States a Grievance.

SALT LAKE CITY, May 1, 1884.

Editor Deseret News:

You may have noticed that Fourth West Street, from the northern limits of the city to the Utah Central depot block, has long been in a very bad condition. But you have hardly had occasion to realize that fact to the extent those living along said street have been compelled to do. Said street is the first one in this city struck by a railroad, and to those who know how pleasant it was prior and up to that time, especially to those seriously inconvenienced by the said change in question, it seems remarkable that it has so long been allowed to remain in such a damaged condition by those who so seriously injured it, or by the municipal authorities who permitted it. Considering how very profitable that line has been for years, it would seem that in justice to its own reputation it ought to have put the street alluded to in as good condition as it was just prior to being used for the railroad. And that failing that the city authorities ought to have had something done long, long ago. Just look at Third West Street from the U. C. depot to the southern limits of the city; contrast it in its nicely graded condition with the forlorn appearance of Fourth West Street, from said depot to the northern limits of the city, and remember that the former was not used by the railroad till long after the latter.

Your correspondent thinks that no railroad ought to be allowed to have more than one track on any one street, and therefore that the long switch on Fourth West Street ought to be dispensed with. And inasmuch as what used to be the main track from a little north of west of the 16th Ward Schoolhouse to said depot is now only used as a switch, and that too at great annoyance to the inhabitants on the west side of that portion of said street, cracking the plaster in their rooms, showering coal dust on to their houses and into their yards, soiling washed linen hung out to dry and greatly disturbing the sick, saying nothing about people generally, who, as a matter of course, need natural rest, it would seem that too ought to be dispensed

with, the railroad now having sufficient land, on the east side of said piece of street for a switch or two of the kind in question. Your correspondent personally knows that Col. Theodore McKean's premises have been much damaged by the switching referred to, but in all probability, in proportion to value, not more so than the property of the rest of the inhabitants of that region.

COLD COMFORT FROM LAKE TOWN.

Discouraging Circumstances.

LAKE TOWN, Rich Co. Utah,
May 1, 1884.

Editor Deseret News:

The News comes to hand pretty regularly in this region. Of its popularity you may judge from the fact that there are 22 subscribers in our little town of 200 inhabitants, making a subscriber to every nine of the population.

There have been some discouraging circumstances with which we have had to contend in Bear Lake Valley during the past six months.

Hay has been scarce in our end of the valley and snow very plentiful indeed.

From the 31st of October until the 30th of April, we might almost say that we had one storm, and that has been all the time. Of course we have had a little fine weather thrown in.

There is still an abundance of old snow in the valley, especially in the northern settlements.

As to Lake Town we have, upon this first day of May, snow upon a quite a number of our town lots. Plowing has not commenced, except upon some very rare dry spots.

In Round Valley, in this precinct, the snow is about one foot deep on the level, and in drifts ranging from three to six feet in depth.

A crowd of men shovelled a track for wagons through the cañon on Monday last. They report huge banks of snow up there and some of them put the long handles of their shovels down in some places on the roadway and then failed to find bottom.

SUSPENSION OF TRAFFIC, ETC.

As to the traffic, there has been almost a dead-lock since Conference time until a day or two since. Traveling with sleigh or wagon has been almost entirely out of the question, especially between Paris and Lake Town. Our store cannot get anyone to attempt any freighting, not for love or money. Still our people live. We have been blessed with plenty to eat, drink and wear. Scarcely any cattle have died in this end of the valley this winter. Notwithstanding the rigidity of the climate and the soft state of the roads.

President Wm. Budge, accompanied by Bishop John Hunt, of Saint Charles, favored us with a call on Wednesday the 23rd ultimo, and held meeting in the evening. It is needless to state that a spiritual feast was enjoyed as a result of their visit and labors among us.

AN INDIAN CAMP.

An encampment of our Lamanite brethren has been made with us during the past winter. They call it "a heap long winter." They have sustained themselves almost entirely by dressing buckskins, making gloves, whips, etc., and have done very little house to house visitation. They have gone off one by one, until to-day the few remaining gathered up their wigwags and went on their way rejoicing towards Evanston, where they intend staying a little while, previous to going to the farm at Malad.

AN ARCTIC ASPECT.

The atmosphere to-day is clear, in cheerful contrast to the steam and fog and sleet and mud with which we have been so abundantly tried this spring. If anyone should be anxious to know the state of the climate of our portion of the footstool, we quote for their benefit the saying of one of our Bear Lake sages: "Nine months winter and three months mighty cold weather," which, with a fair allowance for hyperbole we submit as an approximation to the truth, so far as the year of grace that has gone.

Respectfully, ALTA.

MORE ABOUT LAKE BORDERS.

BOX ELDER, Utah,
May 4th, 1884.

Editor Deseret News:

I saw lately in your Weekly an article about land jumping on the lake border. I was engaged in surveying and could not get time to send you the following then, but if it is not too late now, you are welcome to any use you may wish to make of it.

The meandered lines of lakes, bayous, and deep ponds is high water mark: at the time the survey is made by the government. These lines are permanent and can be retraced like other surveys. When a lake recedes new land is formed below these lines. This, however, is subject to annular and secular changes. Valuable land of this character was made below Willard City, and J. C. Stewart, U. S. deputy surveyor, proceeded to retrace the old "meanders" and survey the new land. The survey was plotted but never confirmed by the government. The government do not dispose of such lands, which the following extract from a circular from the General Land Office of Jan. 20, 1880, will show: "Doubts having arisen as to whether

the United States has any claim to such lands, the Department has recommended the passage of an act by Congress conveying any title thereto, which the United States may possess, to the respective States in which they are situated.

"Pending the action of Congress, the survey and sale of these lands has been discontinued."

Yours truly,
N. P. ANDERSON,
U. S. Deputy Surveyor.

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NOTICE OF FORFEITURE.

TERRITORY OF UTAH,
County of Salt Lake. ss
SALT LAKE CITY, February 7th, 1884.

TO James Campbell, John F. Kinney, Jr., Eli B. Kelcey, Jr., James Dire, J. F. Webb, Thomas Morris, Patrick Lynch, Elizabeth L. Kinney, their and each of their Executors, Administrators, Heirs or Assigns, you are hereby notified that I have expended One Hundred and Twenty Dollars (\$120.00) in labor and improvements upon the Dial Lode, situated in Main Bingham Cañon, West Mountain Mining District, Salt Lake County, Territory of Utah, located on February 3rd, 1872, and commencing at the Southwesterly end of the North Star Lode (patented) and running on its course Twelve Hundred, (1200) Feet. A more particular description of said Dial Lode may be had by reference to Book F, of Claims and Locations, page 447, in the District Record Books of said Mining District, as will appear by my certificate filed for record January 27th, 1884, in the office of the Recorder of said West Mountain Mining District and recorded in Book N of Notices, pages 387-8. Records of said District, in order to hold said premises under the provisions of Section 2324, Revised Statutes of the United States, and the amendments thereto, being the amount required to hold the same for the year ending 1883; and if within ninety (90) days after the notice of this publication you fail or refuse to contribute your proportion of such expenditure, as a co-owner, your interest in said claim will become the property of the subscriber, under said section 2324, and the amendments thereto.

w4 3m CHARLES F. BLANDIN.

SALT LAKE CITY, UTAH,

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