

ON WEDNESDAY'S DAILY, FEB. 29, 1883.

From Prison.

The following brethren were released from prison today, having paid the terms for which they were sentenced for living with their wives. Also paid the amount of fine and costs as noted: J. A. Marchant, \$167.85; Isaac Riddle, \$300; William Blood, \$198.18; J. M. Fisher, \$180; Henry Beckstead, \$174.30. Isaac Riddle had \$455.25 assessed against him in addition to the fine, but the courts will determine whether or not he should pay that amount.

CAPITOL HILL.**Finest Site in the West for State Buildings.**

As will be seen by the City Council minutes of last evening, the municipal authorities have taken a very commendable step in the way of reserving a piece of ground east of Arsenal Hill State buildings. A committee was appointed to consult with the Territorial representatives on this subject, following gentlemen being selected—Aldermen W. W. Ritter, Thos. Webber, W. S. McCornick, James W. P. and George D. Pryor. Today a communication was sent to the Legislature, requesting that they select representatives to confer with the City Council committee in respect to the movement, and Hons. W. Shurtliffe and Thomas W. P. were selected from the legislative Council and Hons. Wm. H. P. and E. S. Kimball and E. D. Hoge from the House. At 11 a. m. today, Governor West, Mayor Armstrong and the Legislative City Council committees went up to the hill, and after careful examination selected a site for the capitol buildings and grounds, the area being about twenty acres. It will be known as Capitol Hill, and is beyond question the finest location for the purpose of any in the Territory. The tract of land is triangular in form, the apex pointing southward directly facing the head of the State Road. From there the lines diverge to the east and west back to the base line. The view that is afforded the city, lake and valley is surpassingly grand. On this site, are to be erected the capitol buildings, and with the surroundings laid out and arranged in a large city park in the rear, will certainly make "a thing of beauty" in the way of public grounds.

THE CHURCH SUITS.**The Testimony Now Being Taken Before the Examiner.**

The process of taking testimony in the suits of the government against the church, has dragged slowly on, each day occupied in the examination of witnesses before Judge E. T. Sprue yesterday was the second day that President Angus M. Cannon was in the witness stand. The testimony as given by stenographer John M. Witter, is as follows:

Le Grand Young asked Mr. Cannon: When you were on the witness stand yesterday, a question was asked you in regard to the minutes of a meeting contained in a certain book belonging to the corporation of the state of Zion, are you willing to answer the question?

Mr. Cannon—I will say that I have read the minutes and am willing to answer any question the counsel desires to ask.

P. L. Williams—Have you that book this morning?

C.—I have. (He gets it from saddle.)

W.—Will you open at the first meeting of which you spoke, in relation to the controversy?

C.—(Pointing to the minutes.) These are the minutes; Mr. Carlson put in my hands.

W.—I wish you would state whether that was the first meeting of the directors called, relative to the personal property you spoke of yesterday?

C.—I think these are the minutes of the first meeting which was held March 1, 1887, at 10 a. m.

The attorney then submitted a long list of unimportant questions to the witness relative to the meetings held by the board of directors of the Salt Lake Stake corporation, the amount of property being \$33,594.65, which was donated to complete the Temple by the trustees in Trust.

The minutes of the different meetings held by the corporation were read by Williams and taken as evidence by the plaintiff.

Mr. Sheeks objected to these minutes being read by Mr. Williams, as he might make an error; and thought a certified copy would be better.

Mr. Williams—At the second meeting did you see Bishop Preston present?

Mr. Cannon—No, sir.

W.—Have you that original agreement which I have just read?

C.—I think the secretary has it.

W.—Does this record of the proceedings of those meetings contain an account of all that was done at those meetings respectively?

C.—So far as I can judge, and as far as my memory serves me, it is a complete account of all that was done at several meetings.

W.—Did Wm. B. Preston sign this agreement with his own hand?

C.—Yes, sir.

W.—When and where, with reference to that meeting, did he sign it?

C.—Immediately after the meeting, in the room where the meeting was held. I think we submitted this resolution to know if the board would approve of it, which they did.

W.—When did you receive the list of property first?

C.—I could not state exactly.

W.—You reported to the directors that you had received 1,081 shares of Deseret Telegraph Co.'s stock; is that correct?

C.—Yes, sir; it was transferred to the Church Association.

W.—Does the Church Association still hold the stock?

(Objection was raised by Mr. Sheeks, but Mr. Cannon answered.)

C.—I don't know what disposition was made of it. I don't know that there is any income from it.

W.—Where did you get it?

C.—From the Trustees in Trust, and I think James Jack delivered the certificate, but I would not be positive, nor do I remember the day.

W.—What is the par value of this stock, or what is its market value?

C.—I don't know, as it yields no dividends.

W.—Was it included in the personal property?

C.—I think not.

Mr. Cannon was then asked by Mr. Sheeks: These expenses mentioned on the record, can you state how they were incurred?

C.—The expenses were incurred in paying public hands employed on the Temple Block, etc.

S.—You speak of the Temple; will you state what that is?

C.—It is a building erected for the use of the people in the performance of sacred rites and ordinances pertaining to the salvation of our living and the redemption of our kindred dead.

S.—For religious purposes?

C.—Yes, sir.

S.—How long has it been in the course of construction?

C.—The ground was broken early in the spring of 1883.

S.—Can you give about the estimate already expended in its construction?

C.—Well, I can hardly say, but it is up in the millions.

S.—How near complete is it?

C.—The walls are complete, but the towers are not; we contemplate finishing it when we can.

S.—State how it has been built?

C.—It has been built by the offerings and voluntary donations of the people of the Church of Jesus Christ of Latter-day Saints.

S.—Have any donations been given by any who were not members of the Church?

C.—No, not that I am aware of.

LeGrand Young—Mr. Cannon, can you state whether there has been any of the property removed from the place?

C.—I think none of the things have been removed, as it would incur extra expense. We did not disturb it because we thought it would not justify us making any change.

Mr. Williams—Mr. Cannon, how many temples are completed and how many are in course of erection?

C.—Two are completed, and two in course of construction.

W.—Are these temples used for public worship?

C.—No, sir; they are for the performance of sacred rites, but in the temple at Logan there are lectures delivered to the students of the school, not only in relation to our faith, but also on scientific subjects, as we were told by the founder of this church, Joseph Smith, to store our minds with knowledge from all good books, so that our intelligence would correspond, it not exceed that of the people of the world. And only those who can get the proper recommendation, or whose names are on the list, are permitted to attend these schools.

W.—Will you state whether or not it is a tenet of your church that a man may marry more than one woman at the same time?

C.—That is according to the revelation received by Joseph Smith in 1843.

W.—Is it taught now by the Church?

C.—I will say I have not heard it taught for some time.

W.—Is it still a tenet of the Church?

C.—I believe it is; at least, that is my opinion.

W.—Do not the authorities of the Church perform polygamous marriages in the Temple now?

C.—No, sir. It has been discontinued—it must have been for nearly a year, that persons who have applied have been refused.

W.—Do you issue certificates or recommendations?

C.—No, sir; I have simply to sign them. And when persons have come to me, I have told them the consequences if they did.

W.—Are these marriages which have been discontinued, permanent?

C.—I cannot say.

W.—Why was it suspended?

C.—I don't know, unless it is that it has entailed so much suffering upon the people and brought them in conflict with the government. But we feel that the responsibility rests upon those who prevent us; and it is out of honor for the laws.

W.—Why have you refused to recommend persons to the Temple?

C.—Because I have heard that President Woodruff would not endorse their recommendations.

W.—Do you refuse to grant or endorse recommendations on hearsay?

C.—No, sir; I wrote to President Woodruff, and he told me he could not

grant recommendations to the Temple for such marriages.

W.—How long has this been stopped?

C.—I should think about a year.

Mr. Sheeks—Mr. Cannon, are there any other ordinances performed in these temples, or do they continue these marriages?

C.—No, sir; the authorities of the Church have seen best to discontinue them.

Mr. A. W. Carlson took the stand and testified that the minutes as read were correct and that he was the secretary of the corporation of the Salt Lake Stake, and that the minutes include all the important transactions in the meeting and a copy of the consent to Bishop W. B. Preston. The minutes and copy of consent were admitted as evidence. Mr. Carlson said he was familiar with most of the property mentioned in the transfer, and that it is now the same in general as when transferred; that he was one of the directors. Mr. Carlson, by request of the attorney, read the minutes of a meeting held in the Assembly Hall, June 4th, 1887, when the proper parties ratified the grant from President John Taylor, of certain property of this stake to the corporators. He also produced a list of names as evidence of the payments of the hands working on the Temple Block.

John R. Winder was next called and testified that since he was examined he had sought to inform himself in relation to the property being the same and not removed from the place originally occupied, and found that the things in general were the same as on the 2nd of March, 1887; that the teams, wagons, storehouse and furniture are the same, with but slight exceptions, as when he went to see them in March last. And as a whole he believed it to be the same property.

J. M. Cannon was called and sworn. He was engaged as clerk for ten days; had made out a list of names of work hands, but could not state whether all had received payment whose names were on the list presented by Mr. Carlson in the forenoon. He was acquainted with most of the men therein named, and knew them to be Church hands.

The list of names was submitted as evidence of payment in the case.

Today Messrs. James Moyle, Douglas Ferguson and Angus M. Cannon were subjected to a rigid examination on the part of the government attorneys, the object being to show that the pay rolls referred to were not reliable.

FROM THURSDAY'S DAILY, MARCH 1.

Correction.

In our account of the examination of jurors, in the Third District Court on Feb. 13, an error occurred through a transposition of names. Mr. John A. Coon was made to say that at first he declined to take the oath, and after hearing it read altered his decision. Mr. John Beers was the gentleman who did as stated. Mr. Coon did not take the oath at all.

Against McGrath.

The Territorial Supreme Court today rendered a decision in the case of Manrice McGrath, under sentence of seven years' imprisonment for grand larceny, in stealing the notes of A. H. Winn in the Eureka-Beck mining suit. The court unanimously sustained the decision of the court below, and McGrath will consequently have to meet the penalty.

Special Session.

The City Council held a special session last evening, at which the special committee appointed to consider the matter of capitol grounds, to be proffered the Territory, made the following report:

To His Honor, the Mayor and members of the City Council:

Gentlemen—Your committee to whom was assigned the duty of selecting a site for the capitol buildings grounds, in connection with the Governor and committees of the two houses of the Legislature, which said site it is proposed to tender to the Territory of Utah for the erection of a capitol building thereon, beg leave to report that they have visited the locality heretofore known as Arsenal Hill, and mutually agree on a certain piece of land containing some twenty acres, more or less, as being well adapted and suitable for the purpose required. A plat of said land is herewith handed you, which more clearly shows the location, and your committee recommend that a tender be made to the Territory of the said land, under such conditions and restrictions as the Council may determine as being proper.

W. W. RITTER,
THOMAS G. WEBBER,
JAMES SHARP,
W. S. MCCORNICK,
GEORGE D. PRYOR.

FRANCIS ARMSTRONG, Mayor.

The accompanying map was examined by the members present, and the question then recurred upon what basis the tender should be made.

On motion, the same committee—the Mayor and the aldermen—was appointed to draw up a tender of the land in question to the Legislature, and instructed to report in time for the tender to be presented today.

Some discussion as to the restrictions to be placed upon the gift was had, when the Council adjourned until next Tuesday evening at 7 o'clock.

Bredemeyer.

The case of Penelope Bredemeyer vs. Wm. Bredemeyer was up in the Third District Court today, when Mr.

Dickson, attorney for Mrs. Bredemeyer, in her suit for divorce, asked that the case be set for Monday next, on the demurrer interposed. Judge Zane said that Bredemeyer had written him a letter saying that he proposed to resist his wife's application. The matter was set for Monday.

Today the Doctor completed his fifteenth day without food, and appears pretty well under the circumstances. There is doubt in the minds of some as to his fast being genuine, but the prison officials insist that he eats none of the food they provide for him, and that he has no way of obtaining it otherwise.

At a late hour this afternoon he seemed to be growing less comfortable, and sent for Dr. Richards to attend him. It is likely that he will soon arrive at a definite conclusion whether or not to put an end to his fast.

The Church Suit.

In the Territorial Supreme Court today, P. L. Williams said the testimony on the application for an order for certain property had been taken, and asked that the court fix an early day for the hearing. As Judge Zane would be otherwise occupied, Mr. Williams was willing to have the arguments made before the other judges.

Mr. Sheeks insisted on having the Chief Justice present at the hearing. As it would take over a day to present the case, and Judge Boreman expected to start for Beaver tomorrow afternoon, the matter was postponed till April 2.

Mr. Williams then called up the contempt proceedings against Moroni L. Sheets, who refused to answer certain questions when called as a witness in the suit against the Church. He was ordered to show cause why he should not be punished for contempt, and today filed an answer stating that the questions were immaterial to the issue; and setting up further that the act authorizing the suit against the Church was unconstitutional and void. The matter was submitted without argument, and the court took it under advisement till tomorrow morning, to which time an adjournment was taken.

Cache Notes.

The little child of John A. McAllister, who had the diphtheria is well, and the quarantine has been removed.

Niels C. Anderson, of Hyrum, was arrested on Saturday, on a bench warrant. He was taken to Ogden on Saturday morning.

John Thorp, of Logan, was arrested by Deputy Corey on Monday. He will appear at 10 o'clock today before Commissioner Goodwin.

One day last week, in Mr. Thomas Richardson's store at Smithfield, Mr. Wm. Thompson and a young man by the name of G. Meikle, engaged in a friendly scuffle, in which Mr. Thompson's ankle was broken.

John Andrews, of Logan, who was arrested in Bountiful a few days ago by Deputies Corey and Steele, appeared before Commissioner Goodwin on Monday and pleaded not guilty to the charge of unlawful cohabitation. He was bound over to appear before the grand jury.

W. Murray, of Wellsville, whose case was continued from one day last week until yesterday, appeared at the appointed time before the Commissioner, accompanied by his attorney, Mr. White, of Ogden. The court was unable to produce evidence enough to commit Mr. Murray, so the gentleman was discharged. The charge against him was polygamy. — *Utah Journal*, Feb. 29.

THE MURDER CASE.

No Justification Yet Developed for the Defense.

The prosecution in the Mulloy murder case closed its testimony today with the account of Policeman Wm. H. Bennett, of Park City, who detailed the account of the arrest. He arrived on the ground a few minutes after the shooting, and saw Mulloy and Sweeney. He asked them who did it, and they said they did not know. Mulloy said someone inside did it. The officer went inside and there learned that it was Mulloy himself who fired the shot. When he came back Mulloy and Sweeney were gone, and a man told him which way the defendant went. He followed him 100 or 350 yards and ordered him to stop, and to take his hand out of his pocket. Mulloy again denied the shooting and said he was not armed. The officer, however, took from the defendant's pocket a 41-caliber Colt's double-action revolver, which was loaded with the exception of one chamber; that had in it an empty shell, recently discharged. When this was shown to Mulloy he confessed, and said he would shoot any man who challenged him out. Witness placed his prisoner in a cell; heard the shouts of "Lynch him!" as he took him past the crowd.

Mr. Varian, for the defense, asked that the prosecution be required to call all the witnesses that were before the grand jury. The request was denied.

The usual statement before opening the case was omitted, and O. S. Harper called as the first witness. He testified—I was a witness for the prosecution before the grand jury and consulting magistrate; was in the alleyway on August 1st, when the shooting took place; heard Moffat say, "Let them go out and fight if they want to;" in the saloon heard Mulloy ask Hughes to go out into the yard; Hughes said

Le was not afraid of anything from a toothpick to a six-pound cannon ball.

Cross-examined—When Hughes said he was not afraid, Mulloy said, "Let us go out, then;" did not hear Mulloy call Hughes a liar or a coward.

Several witnesses were called to show that the defendant had borne a good character previous to the shooting.

The efforts of the defense thus far appear to be simply to obtain a modification of the verdict from that of murder in the first degree. Evidence contradictory of that put in by the prosecution may, however, yet be introduced.

Ogden Notes.

On Monday evening, about 7 o'clock, Charles Saunders, 10 years of age, was riding a horse on Spring Street. A dog belonging to a Mr. Petersen suddenly jumped out from the side of the road and barked viciously at the horse, causing it to throw the boy against a telephone pole, wrenching his elbow out of joint. The boy was attended by Dr. J. X. Allen, who reduced the dislocation and the arm is progressing favorably.

On Monday afternoon about 3 o'clock a disastrous fire occurred at South Weber. The premises upon which it took place belong to Joseph Bambrugh, who suffered considerable loss. The flames broke out in the barn, and before they could be subdued, had destroyed that building, a stable, eight or ten horses, a new grain mill, a set of new harness, a hay rake, a mowing machine and 35 tons of hay. A valuable mare had her mane entirely burned off. The loss will amount to about \$800, and is a serious one for Mr. Bambrugh, who should have the substantial sympathy of his fellow citizens.

W. G. Saunders was arraigned before Commissioner Wardleigh yesterday on the charge of unlawful cohabitation. He was held to await the action of the grand jury in the sum of \$1,000.

The case against Chester V. Call, who was arraigned on a similar charge, was examined. The investigation resulted in the defendant being dismissed.

Another complaint had been filed against Mr. Call, however, in which he was charged with being a fugitive from justice. He will have an examination today at 11 o'clock, before Commissioner Wardleigh. — *Ogden Standard*, Feb. 29.

Mr. Call was required to go to Idaho, to answer to a charge made against him in that Territory.

FROM FRIDAY'S DAILY, MARCH 2, 1883.

Releases and Appointments.

Elder Joseph D. Reynolds is released from laboring in the Manchester Conference, and appointed to labor in the Sheffield conference.

Elder Robert Parker is released from laboring in the Liverpool Conference, and appointed to labor in the Manchester Conference. — *Millennial Star*.

Arrests in the South.

A correspondent from St. George, Washington County, under date of February 26th, 1883, states that deputy marshals visited that county on Saturday, the 25th ult., and succeeded in making three arrests, Bishop Marcus Funk and John Tanner, of Washington, and Dr. Higgins, of St. George, being the victims.

Imprisoned.

Yesterday afternoon Thos. Pierpont came into the Third District Court to receive sentence on a plea of guilty to a charge of unlawful cohabitation. He declined to make any statement as to what his conduct would be in future, and was sentenced to imprisonment for six months, and to pay a fine of \$100 and costs.

Utah County Notes.

Spanish Fork complained of the country getting too dry, but the present wet spell will cause farmers to rejoice in the prospects of a bountiful harvest. A greater breadth of land is being sown to grain than has been usual heretofore.

The Spanish Fork Co-op. contemplate the erection of another large store, adjoining their present commodious quarters, to make room for their fast growing business.

Considerable interest is being taken in the improvement of stock.

Rasmus Nielson, of Spanish Fork, has imported two of the most pure blooded French horses ever brought to this country. They are beauties and by proper management will add to the material wealth of this region. Efforts are also being made to improve the horned stock, and importations are being made.

The town of Payson is advancing; new buildings are going up and others are talked of—two saloons are in full blast. As we passed we noticed one filled with youths and boys last night. The law against selling intoxicants to minors or allowing them to congregate in rum shops should be passed by our Legislature and receive the endorsement of every lover of order.

The Heloe family gave one of their pleasing concerts in Payson last night; it was enjoyed by all present. They held the board again tonight.

Santaquin people have all their wheat in the ground, and the present heavy