

and moral welfare of the criminals, the sick and injured whom the police have to deal with daily during the year.

"Our city has fewer officers for the population than any city in the west, and the many miles of streets which should be patrolled and the opportunity for petty crimes suggest the necessity for increasing the number of police in our city.

"A large amount of stolen property is usually found in pawn and junk shops, and I suggest that an ordinance be framed compelling the keepers of such shops to furnish each day a transcript of their books, showing articles purchased, and the name, residence and full description of their customers of the previous day, said transcript to be furnished by 10 o'clock each morning to the police department, as they must do in other cities.

"Well knowing the necessity of having a detective force in connection with the police force, the matter was brought before the police committee, and as suggested two detectives were employed until October 31.

"These two men were of great service in locating crooks and recovering stolen property, and materially assisted the department in breaking up and convicting the gangs of thieves which infested our city one year ago. Permit me, gentlemen, to recommend the employment of two or three detectives to work with the police department, and be under its control and direction.

"The patrol wagon has been of incalculable service to the department since its purchase, and I have to report the loss of one of the horses after being unfit for use for some months.

"During the year the police have arrested three thousand one hundred and thirty-nine (3139) persons.

"There have been thirty-seven lost children found by the police and returned to their parents.

"Four hundred and sixty-two (462) animals running at large have been taken up and impounded by the police during the year.

"The department has furnished lodgings to six hundred and twenty-six (626) persons during the year, which is five hundred and twenty-three (523) more than last year.

"The police have recovered \$4,356.75 worth of property, while the total amount of property stolen is \$6,972.85. You will see that nearly two-thirds of the property stolen has been recovered and returned to the owners. During the year there have been fourteen cheap lodging houses in operation in the city.

"The number of saloons, eighty-two.

"Pawnbrokers and junk dealers and second-hand stores, eighteen.

"The roster of the department at this time is as follows:

Chief of police.....	1
Captain of police.....	1
Sergeants.....	3
Desk sergeant.....	1
Detective.....	1
Court bailiff.....	1
Night sergeant.....	1
Patrolman.....	24
Mounted patrol.....	3

"Of these there are seven on duty from 7 a.m. until 3 p.m.; eleven on duty from 3 p.m. until 11 p.m.; eleven on duty from 11 p.m. until 7 a.m.; one officer all day at the Union Pacific railroad depot; special police, six.

"The officers on duty each shift have eight miles of streets to patrol. This includes all that portion of the city from South Temple and State Street South to Sixth South, thence west to Sixth West, thence north to South Temple.

"I have the honor to recommend the following:

"That the city purchase the buttons and other regalia (exclusive of uniforms) used by the officers.

"That the police force be increased to fifty men.

"That the department be allowed to photograph each criminal, who is apprehended for larceny and offenses of greater magnitude. The cost is nominal and the advantage to the department is great.

"In conclusion, permit me to thank your Honor and the police and the police and jail committees for many courtesies extended this department. I cannot close this report without thanking the United States Marshal and deputies and the county sheriff and deputies for valuable assistance rendered the police department the past year. To Captain Parker, ex-Captain Lange and every member of the police department my thanks are due for their close attention to duty, their efforts to promote the welfare of the department, their efficiency, their kindness to each other, and the manly and courageous manner in which they have executed my orders.

Respectfully submitted.

JOHN M. YOUNG,

"City Marshal and Chief of Police."

## CHURCH PROPERTY DISPUTE.

In the matter of the United States of America, plaintiff, vs. the late Corporation of the Church of Jesus Christ of Latter-day Saints, et al., defendants, the following brief of counsel (Arthur Brown and Messrs. Sutherland and Judd) for Receiver Dyer, upon his exceptions to the report of Examiner Stone, was filed with the clerk of the Supreme Court on Saturday, Jan. 24:

In presenting our remarks upon the exceptions heretofore filed by us for the Receiver, we beg leave to say that the ground contained in this investigation has been gone over for the second time, as thoroughly, as fully, and, it would seem, as often, as occasion requires.

The examiner, Colonel Stone, in his report, finds, in so many words, after taking a mass of testimony of over 600 pages, that the report made by Examiner Harkness upon the former investigation covering the same ground was a correct report, sustained by the proof; and, not only so, but sustained by the proof taken before Stone, as well as that theretofore taken by Harkness. He finds, in substance, that the receiver in the execution of his trust has in all things been diligent, careful, prudent and business-like. That the property has suffered no loss by reason of any negligence or want of care on his part, and that he has made no expenditures whatever except such as are reasonable to have been made, with the very small exception to be hereafter named.

So far as our 1st, 2nd, 3rd and 4th exceptions are concerned, it is probably sufficient to say, that they were put in pro forma; that really the truth is, the Examiner has found, either in exact language or in substance, as requested to do.

The 5th exception is taken to the second finding of the Commissioner, which is to the effect that although Mr. Dyer, the receiver, in pursuance of the directions of this court, employed competent counsel to attend to the legal business given him in charge, nevertheless, since by inadvertence or mistake, a decree seems to have crept into the record in one case which, to say the least of it, is of doubtful effect, that the receiver himself ought to be liable for the value of the lot, to-wit: \$40,000, "if by reason thereof any loss should result to the government."

In view of this record, and of the proof contained in it, this finding of the examiner is simply absurd. If the court will take the pains to examine the proof of Parley L. Williams in the record of evidence reported by Commissioner Stone,

at pages 497 to 505, and also the evidence of LeGrande Young, at pages 506 to 516, inclusive, it will be found that so far as the question is concerned of this 5x5 rods of land, concerning which the examiner makes his second finding, there can be no reasonable doubt that the decree, if it has any binding force at all in law (which, as aforesaid, may be doubted) was the result of inadvertence, oversight or mistake, one or both, and that kind of oversight and mistake, too, for which the receiver is in no wise responsible, and which can be easily corrected.

The proof abundantly shows that the receiver employed Parley L. Williams as his principal counsel, and that Mr. Williams was thoroughly competent as a lawyer to take charge of and manage the business of said receiver. His ability is not only testified to by the leading members of the bar, but is known to the members of this court, and is a thing of which they will take judicial knowledge. He entrusted the business to Mr. Williams, and had the right to entrust it to him; and supposed, of course, and had a right to suppose, that Mr. Williams would attend to it properly. And if there is any fault which is not admitted, it is the fault of the counsel, and a fault, too, that the counsel alone would be responsible for, if there was any responsibility attached to anybody.

But we may remark, in leaving this subject, that the proof further shows that there never was a possibility of the Government of the United States recovering this property. The proof of LeGrande Young, of F. S. Richards, of Robert T. Burton, of John R. Winder, all goes to show that the Church never received one dollar for this property in any way, and that it absolutely, upon compromise, refused to pay one dollar on its account; and that that is the reason why it was excepted out of the terms of the compromise that was made for the other real estate that was attacked in the case mentioned and sought to be recovered.

The idea of making, under the facts of this case, this receiver responsible for that piece of property, \$40,000, is an idea so absurd that it blunts common sense, and no court for a moment would stultify itself by rendering any such decree. And with these remarks we propose to leave it.

We are now come to address ourselves to the sixth exception, which is to this effect, "because the commissioner in his 4th finding of fact, at pages 14 and 15, finds that the receiver should not be credited with the \$1550 clerk hire, being 100 per month, from March 1st, 1890, to June 1st, 1890, paid to James Moffatt."

The proof of Mr. Dyer, contained in the record at pages 570 to 597, and of Henry W. Lawrence at pages 598 to 604, inclusive, in our opinion fully demonstrates the justice of this charge.

The idea of Commissioner Stone seemed to be that a man who could give a bond for \$300,000 and take charge of and manage a property of this kind, worth from \$750,000 to \$1,000,000, ought to sit himself down in his office and do clerical work that was worth \$100 per month; otherwise he was not entitled to recover anything at all for his services. That Mr. Dyer's services in this behalf, and his right to have a clerk and bookkeeper, is to depend upon the mere amount of minutes, hours or days devoted to the business by manual labor. Of course, no such idea as that was in the mind of the court when the receiver was appointed, and no such idea could possibly be enforced.

It is but just to say that while, as the proof shows, both of Mr. Dyer and of Henry W. Lawrence, that it was not necessary to have a clerk at this business for every hour in the day, and probably not every day in the week; nevertheless, it was necessary to have a competent bookkeeper and clerk to do the clerical work necessary to such a trust; and, as