

FROM THURSDAY'S DAILY, DECEMBER 29.

**Charged With Larceny.**

Today Deputy Caneon brought in from Tooele County, C. T. Brown, a miner, who is accused of stealing ore from a mine. He asserts that the property is his own. His case will come on tomorrow.

**THE EUREKA SPREE.**

Commissioner Norrell Getting at the Facts in the Case.

The deputy marshals who went to Eureka yesterday to serve the warrants issued on the complaint made by Mrs. Annie Marks, whose account was detailed in the News yesterday, returned on the Utah Central last evening, accompanied by seven prisoners and a host of witnesses from that place. The men in custody were Constable John T. Sullivan, of Eureka Precinct, James Douglass, Joseph Ferguson, Gus House, Wm. Lynett, and Harry Tompkins. The eighth person named in the complaint, Gil Johnson, was not found. The defendants were taken before Commissioner Norrell last evening and their bonds placed at \$700 each.

This morning they were arraigned on the charge of making an assault with intent to do bodily harm, made upon Mrs. Annie Marks, with guns, at Eureka, on Monday, December 19. All of the defendants pleaded not guilty.

C. S. Varian represented the prosecution, while Arthur Brown appeared for the defense.

In the opening of the case Mr. Brown moved that the charge be dismissed on the ground that the Commissioner had no jurisdiction over offenses committed outside of the judicial district where his office was held. The motion was overruled.

Mrs. Annie Marks was the first witness. She testified—I live in Eureka, with my husband, W. Marks; keep a store there; our residence adjoins the back of the store; on the 19th of December, about 11 a. m., Constable Sullivan came to my house and said he had judgment against me for \$25 and costs, and read a paper to me; he asked me if I had lost a case in Provo; I said I did not know it; he said my lawyer said it was to go by default; Sullivan told me he also had judgment for the house; I asked him to go and see Mr. Marks; he told me I did not have to see the paper for the house, as it was none of my business; I asked him for ten minutes' time, and he refused to allow me any time; he also threatened to arrest any one who took a message for me; he refused to accept any bonds, and left; he came back in about three minutes with a mob of men; I asked Sullivan to send them away but he would not; he had two shotguns; he burst in the back door with an ax, and grabbed me; Douglass snapped his gun at me, but it did not go off; they then dragged me off; the others were armed, and pointed their shotguns at me; Tompkins also chopped part of my fence down; Sullivan and Douglass dragged me by the arm; Douglass kicked me in the side and in the back; they took me to Justice Dana, and he ordered them to take me to jail; the mob then tore my house down and carried the things off; Sullivan gave me a paper before the trouble commenced, and charged 75 cents for it; it was a copy of the original judgment.

The document was offered in evidence.

Mrs. Marks continued—The men surrounded the house; all of the defendants were there; they called me hard names, and some of them shouted to kill me; the treatment I got made me very sick, and I was badly bruised; I was afraid they would lynch me; Sullivan first grabbed me by the hair, when he and Douglass dragged me out of bed; the doctor offered me medicine, but I was afraid it was poison and would not take it; I said I wanted to go out of town, and he said I could not live through the journey; I lay there very sick for a week and was then brought to this city; a portion of my body was dragged on the ground.

Cross-examined by Mr. Brown—I knew Sullivan was constable; knew of the case in the commissioner's court at Provo; Sullivan read the paper to me, or at least a part of it; he never showed me the original judgment that I knew of; he told me he wanted possession of the house; he said he would not wait till I telegraphed to my lawyer; I told him that if my lawyer advised me to vacate the premises I would do so; When the men came to the house I laid on the bed, as I was so excited that I was sick; I did not have two pistols out while Sullivan was there; the two pistols were under my pillow; I kept them there for protection; I did not have them in my hands while Sullivan was there; he did not touch me or exhibit any weapons the first time he came; when he left on the first occasion he said he would be back in a few minutes; he left a young man in charge while he was away; he was gone about five minutes; I locked the doors when I saw him returning with armed companions; the young man in charge did not tell me I had no right to lock the doors; I did not draw any weapons on him; Sullivan had a shotgun when he came to my bedside after he chopped the door down; he pointed the gun at me, then laid it down and grabbed me by the hair; then he took hold of me by the arm, and made some nasty remarks; he did not tell me he had a warrant, and I thought they were going to lynch me;

they dragged me along; I could not walk; they never gave me a chance; there were seven or eight guns pointed at me and three at Mr. Marks; I was not tried at Justice Dana's; I was not fined there, nor required to give bonds.

Lydia Steiny testified—I was in Mrs. Marks' house at the time of this occurrence; I saw the defendants there; heard the conversation when Constable Sullivan first came there; it was as stated by Mrs. Marks; Sullivan left Mr. Lee in charge of the house; he told Mrs. Marks he would not give her two minutes' time when she asked it; when Sullivan came back he demanded admittance; she said she would open the door for him but not for the others; he said the men were with him, and if he did not open the door he would break it in; he went to Tompkins house and returned with two guns; he then broke the door in with an ax, and I hid in the cellar; I saw Sullivan and Douglass come in armed; I heard a noise after this, but did not see anything; Mrs. Marks was screaming; after she was dragged away I came out of the cellar; Mr. Hanson pointed a gun at me, but said they would not hurt me; I could not get out of the door, and went through a back window; saw Sullivan and Douglass dragging Mrs. Marks away.

Dr. Lorin Hall testified—I attended Mrs. Marks on Monday last; she was bruised, and gave symptoms of being very sore; there was no evidence of her feigning suffering; she was in a very excitable state, and I had to give her soporifics to enable her to obtain sleep.

Miss Steiny was called and said—The furniture was taken out and the building torn down; the furniture was thrown into the street; some of the valuables were taken to Mrs. Tompkins; I was greatly frightened when the men came, and so was Mrs. Marks.

At this point a recess was taken till 3 p. m. today.

The case will probably prove a long one, and the proceedings in Commissioner Hill's court, at Provo, will be brought in. To this end an officer was sent to Provo today to subpoena Mr. Hills, and was instructed to bring all the papers in the civil case.

In connection with the same affair Constable Sullivan was also placed under arrest on the charge of extortion. It is alleged that on December 19th, the date of the other occurrence, he unlawfully extorted from Mrs. Annie Marks the sums of \$127.45 and 75 cents costs and fees, and \$25 damages, when no costs, damages or fees were due or collectible. The investigation of this charge will follow the one now pending.

**THE OTHER SIDE.**

The account of the defense in the case differs materially from Mrs. Marks' story. It is in brief as follows: On the day named Constable Sullivan presented an execution to Mrs. Marks, the document having been issued by Commissioner Hills, and requiring her to pay \$25 damages and costs of a suit made against her by Mrs. Tompkins, and to surrender and vacate a piece of land which both had claimed. This piece of ground is the one on which Mrs. Marks recently put up a new frame house, and which was held to be the property of the other parties. In pursuance of this order of the court Mr. Sullivan went to carry out the decree. Mrs. Marks asked for some time to consider what course she would pursue, and was allowed ten minutes. She told the constable, however, that she would not vacate the premises. He anticipated some trouble, but nothing serious, and left an employe of Mrs. Marks, Mr. Lee, in temporary charge of the place. Mr. Sullivan went back in about an hour, and found the doors locked. He then learned that Mrs. Marks had lusted the house against Mr. Lee's protest, a couple of loaded revolvers being the arguments which brought her success. He also learned that she proposed to fight, and that it would be exceedingly dangerous for one man to approach the place unless he desired to go to his death. The constable thereupon selected a posse and surrounded the place. He could not gain admittance, and broke in the door. Prior to this, however, he had obtained a warrant for the arrest of Mrs. Marks. When he got inside he found her on the bed in a towering passion, and arrested her. She refused to go and he took hold of her, directing Mr. Douglass to take her other arm. She resisted, refused to walk, set her feet against every obstruction, and by her struggling compelled the officers to drag her in this style a short distance, when they obtained further assistance and carried her bodily to Justice Dana's when she made such further exhibition of a violent temper that the justice, to keep her quiet, threatened to have her put in jail.

Which of the two versions of the affair is correct will be determined when the Commissioner has heard all of the evidence.

FROM FRIDAY'S DAILY, DEC. 30.

**Arrived From Barmah.**

Mrs. Cooper, mother of Captain J. H. Cooper, of Mailman Custom House, Barmah, arrived here on the 27th with their four children under 10 years of age, via Calcutta, Liverpool and New York. All are in good health, and much pleased at reaching

their future home in Utah. Captain Cooper is making arrangements to follow in the near future. This is a family baptized by Elder William Willes while on his late mission to India and Barmah.

**Arrivals and Appointments.**

Elders S. T. Whittaker, Edward Bennett, R. Parker, Robert C. Knell, S. A. Blair, Alma C. Davis, James Anderson, John Berg, Charles K. Hanson, Christian Teller, Ulrich Traba and Michael Knuttl arrived in Liverpool on Friday, the 2d inst., by the *Gulion S. S. Wisconsin*, on missions to Europe.

Elder S. T. Whittaker is appointed to labor in the Glasgow Conference; Elders F. Bennett and A. C. Davis in the Welsh Conference; Elder R. Parker in the Liverpool Conference; Elder R. C. Knell in the Sheffield Conference; and Elder S. A. Blair in the London Conference.—*Millennial Star*, Dec. 12.

**A Bilk.**

Today a person has been going around giving various merchants in the city unnecessary trouble. He went to Mr. Longmore's establishment and bargained for six pairs of pants, a handkerchief and a pair of gloves. He took all but the pants, remarking "I'll come in for these and pay for the whole." He then went out, and Mr. Longmore, suspecting that everything was not right, followed him some distance, and then accosted him, asking for pay for the articles that were taken. The individual had no money, and returned the goods. He then went to several stores, ordered large bills of goods, promising to come in again and pay for them, and departed.

**From Germany.**

Elder Joseph Hochstrasser, of Providence, Cache County, reached this city, on his return from a mission to Germany and Switzerland, on the 28th inst. He left Utah in November, 1885, and labored in Switzerland for thirteen months. He then went to Germany and spent a year laboring in Bavaria, Baden and Wurtemberg.

The Swiss government is manifesting a determination to put an end to the spread of the Gospel in that land, being influenced by falsehoods and misrepresentations. In Germany the labors of the Elders are confined to fireside preaching, but baptisms occur frequently.

**Lightning Painting in Oil.**

The Co-operative Wagon and Machine Company are distributing, as a means of advertising business, small oil paintings, which are very neatly executed. It is claimed that each of them was painted in a fair by an artist employed by the Walter A. Wood Mowing and Reaping Machine Company, inside of three minutes, in the same manner as he executes the pictures that adorn the agricultural implements. Necessarily the pictures represent moonlight scenes, and are therefore in shades produced by a mixture of black and white. If they were in colors they could not possibly be done in the time stated.

**Struck by Lightning.**

During the thunderstorm last evening about 10:30 the summer kitchen of C. R. Savage, in the Twentieth Ward, was struck by lightning; the wires on the porch of W. C. Dunbar were also thrown to the ground, nearly half a block away. It seemed for a moment that a tremendous explosion of dynamite had taken place. The crash was deafening. The damage however was slight. The fluid entered the wooden side of the building, crossed the room diagonally and entered the bare earth under a sink in one corner of the room, after opening the door. Fortunately no one was hurt, but many persons were badly frightened.

Such an occurrence in midwinter is rare in this region, and shows the possibilities of our phenomenal climate. The barometer had been very low, and something unusual had been anticipated; but such a display of nature's artillery during a snowstorm is something to make a note of.

**A Valuable Work.**

Before us is volume six of the *Historical Record*, a monthly periodical devoted to historical, biographical, chronological and statistical subjects. It is a book whose value cannot be adequately estimated, as its usefulness increases as time rolls along. It is destined to be a guide to the future historian who will write a popular history of the Latter-day Saints as a community. The editor and publisher, Brother Andrew Jenson, is particularly gifted with the ability to compile facts of historical interest, and the care which he exercises in that department of literature enables him to avoid blunders that a less scrupulous compiler would commit. As a work of reference, the bound volumes are of increasing utility for purposes of reference. It will prove a valuable acquisition to any household. Brother Jenson should receive liberal support in prosecuting his labors in the field he has chosen, and for which he is well adapted.

**Anthracite for the Market.**

Glenwood Springs, Col., Dec. 27.—The surveying party some time since sent out by Thomas H. Wigglesworth, Fred E. Foote in charge, to survey a line running down Rock Creek, reached Glenwood today. The object

of the survey is to ascertain the feasibility of building a railway from Carbondale, in the Roaring Fork Valley, to the anthracite coal mine on Chair Mountain. These coal fields comprise about twenty-five hundred acres, and are the property of the Pacific Coal and Coke Company, who are acting entirely independent of any railway or coal company. The company have opened several veins of anthracite coal, the principal one being seven feet and four inches thick. This vein has been opened in different places for nearly two miles. The coal is superior in quality to any west of Pennsylvania, and fully equal to the best Lehigh coal. The line is reported to be an excellent one, and can be constructed very rapidly. When this is completed, anthracite coal can be delivered in Aspen, Glenwood, Leadville and the valley cities to the east, and to Salt Lake City and the west as soon as a connection is made with Grand Junction. The surveys are being made by the Elk Mountain Railway Company, of which Orlando Metcalf is president, Thomas H. Wigglesworth vice-president and chief engineer, and H. D. Fisher secretary and treasurer.—*Denver News*.

**A Long Separation.**

A. W. Beach, Esq., of American Falls, Idaho, is in this city on a brief visit. He came down to meet his mother, this being only the second time he has seen her in 28 years. The account of their separation is rather peculiar, and is in brief as follows: Mr. Beach was born in the Old Fort, in this city, October 25th, 1847, three months after the arrival of the Pioneers in this valley. When he was eighteen months old his parents separated through a family quarrel. Mrs. Beach went off to California, intending to take her child with her, but the father obtained possession of and retained it, hoping thereby to keep his wife also. She was stubborn, however, and left the Territory. Two years later Mr. Beach started to California to find her, but took ill and died. The boy was left here in charge of friends, and was reared in the family of Brother Daniel Woods, Esq., of Bountiful, until he was 14 years of age, since which time he has resided at various places, and now, with his wife and six children lives near American Falls.

Mrs. Beach was informed in 1882 that her son was dead, and the next year she went back to Burlington, Iowa where she married a Mr. Brooks, by whom she has had six children. Last April she came to Salt Lake, intending to erect a marble stone over her son's grave, and on searching the cemetery records could find no account of his death.

On inquiring about among old settlers she learned that he was still living. She sent to him in Idaho, and he came to this city and met her for the first time since the spring of 1849. During the past few days she has again been in this city, with two of her daughters, en route to California, to spend the winter, and her son came down to again see her. Last evening she left for the west, and will return again in the spring. Mr. Beach left for his own home this afternoon.

**MARKS vs. SULLIVAN.**

Peculiar Developments in the Investigation Today.

Shortly after 3 o'clock yesterday afternoon the preliminary examination into the charge of assault against Constable John T. Sullivan, of Eureka, was resumed before Commissioner Norrell.

Miss Steiny, whose direct testimony was published yesterday was cross-examined by Mr. Brown, and said she did not know whether there was a telegraph office in Eureka or not; had known complainant but a short time, having gone to work for her on the morning of the trouble; Sullivan came alone to the house the first time; I think he said he had a judgment and wanted the house; he read a paper, and then gave it to her; he did not strike her that I know of; when he went away, Mrs. Marks locked the doors; saw her with a couple of pistols in her hands; she said if he broke the door down she would break something, too; at that time she was in the bedroom and he outside; it was when she saw the men coming around the house with guns that she got out the pistols; Mrs. Marks was paralyzed and got into bed; then it was that the door was broken open by Sullivan; he had a gun in his hand when he entered the bedroom; they had hold of her arms, and she was lying on her back, when I saw them dragging her across the street.

Leon Lacon, who was sometimes called Mr. Lee, testified—I saw all of the defendants at or around the premises on the day in question; recollect Sullivan reading a paper to Mrs. Marks; she asked for time in which to telegraph her attorney; Mr. Sullivan asked me to remain in charge of the house; and I told him I would; I remained there until Sullivan returned with the men, when Mrs. Marks told him she would admit him but not the men whom he had with him; Sullivan said he had deputized the men to assist in removing the furniture; Sullivan then battered the door in, using an ax to do it with, I believe; Sullivan went into the bedroom, and the woman screamed "murder;" Sullivan and Douglass then pulled her from the bed; I did not see her after they got her out of the house; four or five guns were

exhibited among the seven defendants; I saw men tearing down the house—part of it was torn down one day, and part the next; the furniture was thrown out into the street and still remains there.

Cross-examined—I do not know whether the house was situated on the Eureka Hotel property or not; it sometimes takes as long as a day to telegraph to Provo and get an answer, because there is no telegraph office nearer than Silver, five miles distant; heard no one apply any vile names to Mrs. Marks; the next day a seizure of some goods was made, but proceedings were stopped by the payment of the money—\$170 in all, I believe; I did not hear Sullivan read any paper to her.

Justice Watts said—I was called to Mrs. Marks' place early in the afternoon of the 19th; I went there and found her in the new house; she told me she had sent for me for advice; that a writ was about to be served and she wanted time; it was a writ of restitution, and ordered the constable to collect the judgment and costs; I asked Sullivan to give her a little time, but he said he could not do it; saw several people with guns before the attack was made on the house; she was being dragged along with her feet trailing, when I saw her—they were taking her to the justice's office—a place about fifty yards distant, I should judge; I could not say who it was that pulled the house down; I did not charge my memory with their names; Mrs. Marks struggled and resisted arrest, calling loudly on the citizens for help; I did not see any more violence used than was absolutely necessary to help her along; I did not tell them that the writ was worthless, and that the constable could have no authority under it.

John Murtha testified—I saw Mrs. Marks being taken along the street; helped to carry her; Sullivan and Douglass each had hold of one arm; Mrs. Marks "was slightly trailing and bucking and kicking;" I remember saying there were men enough around to carry her; she was being carried face downwards with her toes dragging; I picked up her feet and helped to carry her; I never spoke to Mrs. Marks from that day to this.

Mr. Varian—Didn't you ask her for money; did not you tell me that there was going to be a kick?

Witness—I was not talking for myself; I did say it was a shame for people to be brought here as witnesses and left on the streets, in order to make money for you fellows, the judge and the deputies; I was not talking for John Murtha, sir.

Other witnesses were examined, but nothing new was elicited and the court adjourned till 10 a. m. today.

Leon Lacon was re-called this morning and said he did not see the warrant of arrest until two or three days later.

On cross-examination by Mr. Brown, witness said he never heard Constable Sullivan say he had a warrant for the arrest of Mrs. Marks, and did not swear yesterday that he had seen the paper at the time the house was broken into; Mr. Sullivan read a warrant on the 22nd or 23rd, to Mrs. Marks, while she was at Mrs. Shea's hotel, sick; it was not read to her on the 19th, at her own house, through the window.

Commissioner John E. Hills testified—In the writ of restitution issued by me in the case of Belle Tompkins vs. Annie Marks, I gave no instructions to the officer; about 8:30 a. m. on the 19th I telegraphed to Eureka, to Mr. Sullivan, and sent a letter to him, to which I received an answer two or three days later; I took the telegram to the office at Provo; it was to go over by mail to Eureka, from Silver City, where the telegraph office was; the telegram was to delay action in Mrs. Marks' case till the following day.

The papers in the civil case before Commissioner Hills were presented in evidence, the object of the prosecution being to show that the writ of restitution under which Constable Sullivan acted was valid.

Commissioner Hills further testified that the defendant, Mrs. Marks, did not appear in obedience to the summons.

Mr. Varian asked Mr. Hills whether the case had not been set for hearing on the 19th, instead of on the 17th, when the default was entered.

Mr. Brown objected, claiming that the officer's protection was the writ, and he was not the person to say whether it was void or not unless it so appeared on the face; the prosecution could not attack the defendant by showing that the writ was void because of proceedings in the court of which the defendant was ignorant.

This evoked considerable discussion. Mr. Varian declared that the Commissioner had no jurisdiction of a case outside of his own county in civil matters; in this instance the constable knew he was not authorized to serve civil process issued from another county from that in which all the litigants resided. Getting rather warm, Mr. Varian exclaimed: "I want to show all the details of this damnable conspiracy to injure the defenceless woman, on the part of this man and his companions."

The court said he would sustain Mr. Brown's objection unless the prosecution could show that the matters asked for were within the knowledge of the defendants.

W. H. Culmer testified—I gave Mr. Sullivan no instructions regarding the serving of the writ; my attorney obtained it from the Commissioner; do not know of any one telling Mr. Sullivan to speed the service;