

FROM THURSDAY'S DAILY, NOV. 15, 1888.

Arrested.

Yesterday afternoon, George Bailey, of Mill Creek, was arrested by deputy marshals on an indictment charging him with unlawful cohabitation. He was brought to this city, and released on giving bonds to appear for trial.

Liberated.

This morning Samuel H. Hill, of the Fourteenth Ward of this city, was released from the penitentiary, where he has served a term for living with more than one wife. He paid his fine. While Brother Hill was in prison one of his children died from diphtheria.

Mines and Mining.

There will be a meeting of the Chamber of Commerce on Wednesday, the 21st inst., at 8 o'clock p. m., to meet Ivan C. Michels, authorized by the Senate committee on mines and mining to ascertain and report to the Senate what effect the owning and operating of mines by aliens has had on the growth and prosperity of the Territory. All citizens interested in mines and mining are cordially invited to attend. W. S. McCORMICK, President.

Alleged Witness Arrested.

This afternoon Deputy Franks arrested a woman at Fort Douglas, claiming that she was wanted as a witness in a case of unlawful cohabitation. She gave bail for her appearance at the examination. She is said to have been the plural wife of George Oltons, of Provo. A little over a year ago she went to live as hired help in the house of an officer at the Fort, and about six months ago she was married to a soldier.

Third District Court.

Proceedings today before Judge Sandford:

United States vs. Charles Hanks et al.; timber suit; verdict for the defendants.

James Carrigan vs. Robert G. McNiece et al.; this suit has grown out of the removal, from a grave in Mt. Olivet Cemetery, of a child of the plaintiff, who asks \$500 damages.

This afternoon there was a further delay of any hour, owing to one of the attorney's being necessarily on business elsewhere.

First District Court.

At Provo yesterday, Judge Judd presiding, the case of the J. I. Case Threshing Machine Company vs. Zeb-dee Coltrin et al., was called up, and a decree was given in favor of the plaintiffs for \$150 and attorneys' fees.

J. I. C. Machine Company vs. George T. Peay et al.; dismissed at plaintiffs' cost, on motion of J. C. Royle.

Gould & Austin vs. James Chipman; trial; verdict for the plaintiffs; damages assessed at \$382.55.

Gibson Bowler vs. Samuel McIntyre; trial in progress.

Arrested for Embezzlement.

Yesterday Sheriff Fellows received a dispatch from Chief of Police Crowley, of San Francisco, to arrest and hold for embezzlement Annie Willoughby, who was supposed to be a passenger on the east bound train. The sheriff and Deputy Nofsinger were on hand when the train arrived and soon had the woman and a man named Louis Trandle, who accompanied her, in custody. The woman had \$500 and the man \$400, all in gold, on their persons. She said she won the money in a lottery, and that the man had nothing to do with it, except that she gave him a part of the coin to carry for her. She claims to have a husband in San Francisco, and she telegraphed one Harry Brown in that city to help her out of the difficulty. — *Winnemucca Silver State, Nov. 12.*

Ogden Election.

Yesterday the Utah Commission appointed the following election officers for Ogden:

City registrar—George F. Coray. Deputy registrars—J. H. Knauff, A. B. Coray and William Binford.

Judges of election—Poll 1, A. B. Coray, presiding; Newton Farr and S. J. Allen; Poll 2, F. A. Shields, presiding; D. Thorneburn and E. T. Woolley; Poll 3, W. C. Warren, presiding; A. C. Emerson, McClaren Boyle; Poll 4, George F. Coray, presiding; William Binford, Heber Wright.

At the last Ogden election there was considerable of a contest between the two parties, the people being successful. Now the women have been disfranchised, and the "Liberals" think that if they can encourage a defection in the People's ranks they can gain the victory. At any rate they propose to exert their whole strength to capture Ogden.

Coal Mine Burning.

The coal mine No. 1 Almy, has been burning for the past four days. How it caught on fire is not known, as the particulars are very difficult to obtain. The fire was nearly under control on Tuesday, but broke out afresh yesterday. It is rumored that the mine has been abandoned as all the timbers are destroyed and the fire still raging in the heart of the earth. Division Superintendent C. E. Wurtelle is on the spot looking after the

affair, having relieved Superintendent E. Dickenson who has gone east. Arrangements are being made for the laying of more tracks and opening a mine at another point. In the meantime a large number of miners are said to be out of employment. How the fire originated, the extent of the damage, the number of men suffering from this disaster and other details could not be learned yesterday, as the matter seemed to be kept as quiet as possible. — *Ogden Standard.*

From the Northwest.

Elder J. T. Parker, of Joseph City, Sevier County, reached this city last evening from a mission to the Northwestern States. He left Utah in March, 1887, and labored in the northern part of Indiana with Elder Gleason, about two months. Elder Parker then labored in Michigan in company with Elder K. E. Robinson, remaining in that State about six months. He then went to Missouri in which state he spent last winter. He returned to Michigan in the spring and spent the rest of his mission in that state. Elder W. S. Lindsey of Idaho was Elder Parker's companion a portion of the time. Elder Parker had good success in his labors, and excellent health during the whole period of his absence. He baptized eight good people and assisted at the baptism of a number more. The prospects for further conversions in Michigan are fair. Elder Parker met with kind treatment during the whole of his labors.

Cache Notes.

Scarlet fever has made its appearance in Mr. Joseph Tarbett's and Mrs. Nibley's families. They are quarantined.

S. E. Swensen is putting new machinery in his Empire Mill, at Hyrum, and says he will not be behind in putting on the market good family flour.

Hiram Serclat, who is employed at Christian Garff's factory, had the misfortune to have a joint of the first finger of the right hand opened and the bone splintered on Monday evening through coming in contact with a saw. Dr. Snow attended to his injuries.

Sheriff Crookston went to Paradise on Sunday and succeeded in getting evidence against a number of boys who have been removing gates, etc., from property and putting them in the meeting-house. One boy was arrested and warrants are out for others. The case will be tried there today. — *Logan Journal.*

Sheep on Seventh South.

Among the inhabitants of the city who feel that they are being imposed upon by the municipal authorities are the residents of Seventh South Street. Day after day, they assert, flocks of sheep are driven along that street, in their migration westward, creating clouds of dust, to the great annoyance of the people. Last season the council ordered that sheep be driven along the county road, and Seventh South Street be kept free from them, but the order is about the extent of relief the inhabitants of that part of the city have received from what is to them a nuisance, and the effort to carry out the order, if any has been made this season, is such as to make no perceptible change in the unsatisfactory condition of things. There is a good road farther south for the sheep men, but of course it does not pass through the city. Nor should the sheep be allowed to do so when their presence is an annoyance, and the transfer would be in reality no inconvenience. The people along Seventh South want to know if their requests for relief are still to go unheeded, and if so what the cause is.

Taylor, Arizona.

A. G. McCleve writes from Taylor, Apache County, Arizona, Nov. 4th 1888, as follows:

"It is quite encouraging to note the change in the climate for the better in this county. When the Saints first located in this valley about ten years ago, we were visited with frost every month in the year, but like many other places where the people of God have located, the elements have been tempered for their good. Our little town, which a few years ago was so uninviting, is now showing up very favorably, with its young but fine orchards, vineyards, etc. A great many kinds of fruit such as apples, peaches, plums, cherries, apricots, grapes, etc., of the very best quality have been raised in quite an abundance here this season. The people are still enlarging their orchards as fast as their limited means will permit.

Our crops of small grain have been better than usual this season. We have had four cuttings of lucern, which was very good.

Some of our enterprising citizens are contemplating erecting some brick dwellings this winter and next spring, as they have a large kiln built and ready to burn which contains about 80,000 bricks. We have an excellent day school, which is taught by Mr. and Mrs. A. A. Armstrong.

Our ward is thoroughly organized and each organization is in a prosperous condition.

The health of the people the past summer was excellent; no deaths since early last spring. There has been very little sickness this fall, and at present the health of the people is generally good.

Our Young Men's Mutual Improvement Association last evening elected the following officers: Jesse N. Perkins, president; A. G. McCleve, secretary and librarian; James W. Pearce, Jr., assistant secretary; Levi Hancock, treasurer. The appointing of counselors to Brother Perkins was omitted for the time being.

BOX ELDER STAKE ACADEMY**The Principal's Report of the First Term.**

The first term of the Box Elder Stake Academy, located at Brigham City, closed on the 9th inst. From the principal's report it appears that 38 pupils have been enrolled in the primary department, 36 in the preparatory and 28 in the academic; total 102. The organization of the academy, its order of exercises, and its general features are modeled after the Brigham Young Academy of Provo. Instruction in the science of theology and in the duties of the Priesthood is provided for. We quote from the principal's report:

"The last recitation hour of Wednesday has been devoted to a general theological meeting, in which students of all departments participate, and on Wednesday morning testimony meetings, and meetings of the sexes separately for special instructions, have alternated.

So far from this theological work being an extra burden, as was supposed at first by many it would be, it has proved an invaluable aid to both students and teachers, making labor light and easy, enlightening the intellect and bringing joy and peace not otherwise obtained, imparting a spirit different from that found in schools where theology has no place.

In regard to their Church standing the students are tabulated as follows: Elders 4, Teachers 3, Deacons 10, lay members 96, non-members 7; total 120. Owing to the fact that much time has been consumed and much perplexity experienced in perfecting mechanical arrangements, it is only now, at the close of the first term, that the school is really prepared to fully carry out the system fixed upon. Following are the concluding sentences of the principal's report:

Much earnest work has been done, many impediments have been removed, many difficulties overcome, and many obstacles surmounted, but far more remains yet to be accomplished. Yet with a firm reliance on our friends for sympathy and patronage, the co-operation of the students, and above all an unflinching faith in the Source of all light and truth, we go on rejoicing in our work, knowing that with these aids at our command, there can be but one final outcome, that of brilliant success.

We see no reason why our academy should not become one of the leading educational institutions of Zion, and for the time when it shall arise and shine in the splendor of its glory we shall watch and wait, not forgetting to couple with our faith that determined purpose and unyielding effort that can accomplish all things.

JOS. J. ANDERSON,
Principal.

THE CHURCH SUITS.**The Inquiry as to Compensation for the Receiver and Attorneys.****THEY WANT IT TO BE A PAYING JOB.**

The Attorneys Ask Ten Thousand Dollars Each for Their Advice.

The inquiry as to the compensation of Receiver F. H. Dyer and Attorneys P. L. Williams and G. S. Peters, in the suits of the United States vs. the Church, was resumed last evening, before Referee Sprague. It will be remembered that at the first session of the examination John H. Groesbeck was the only witness examined, his idea as to the compensation of the Receiver being that he should receive five per cent. of the value of the property handled.

Last evening Marshal Dyer was called, and testified in effect:—I am the receiver in the case of the United States vs. the late corporation of the Church of Jesus Christ of Latter day Saints; was appointed to such office on the 7th day of November, 1887, and qualified within a few days thereafter; was required to give a bond in \$250,000; there were eleven or twelve men on the bond, I believe; it was approved some time in November; I had intended to make out a detailed statement of all my

WORK AS RECEIVER.

but having been away from home some time, and having reached here only this morning, my statement will not be as full as it otherwise would have been. Soon after my appointment I went on with my duties, and found certain persons in possession of the Temple Block, Garbo House and Tithing office; I made a demand for these properties, and in a few days they were surrendered. The Tithing office, Garbo House and Historian's office I afterwards leased to Mr. Winder and others; the Temple Block was also leased to them pending the outcome of the suit, for the nominal sum of \$1. This was done by the advice of my attorney, who had the idea that it would eventually go back to the Church under the

saving clause. My business was done only with Mr. Winder, Preston and Burton not being found. In December I went to the President's office and took charge of all the property I found there. The seizing of these books proved valuable to us, because they afforded a clue to the ownership of the Church farm, and were the connecting link with the ownership of considerable property that we afterwards discovered belonged to the Church; three suits were established in Ogden and seven in Salt Lake. The result of these suits and the evidence brought out before the examiner, enabled us to get at the evidence of fraudulent transfers of nearly all the property held by the Church. People who held this property in trust,

CONTRADICTED THEMSELVES

and placed themselves in such a light that they afterwards deemed it better to give up the property held in trust by them. Notably, there was the gas stock, which, it was alleged, had been transferred to James Jack, on the 2d of March, but it subsequently developed that the transfer was made after that time. I then made a personal demand on Mr. Jack for the stock, and soon afterwards I obtained it. Mr. Jack acknowledging that he had merely held it in trust for the Church. The par value of the stock is \$100 per share, but it is hardly worth as much as that. I believe this block of stock recovered from the Church is worth between \$60,000 and \$70,000. Later I investigated the ownership of the street car stock, which Mr. Armstrong claimed he had purchased for \$15,000, and the result was that the stock was turned over to me—the amount being, I believe, about \$51,000. Another suit was brought against John C. Cutler, to recover, as the property of the Church, several shares in the Provo Woolen Mills; suit was also brought against Z. C. M. I. to recover a like amount of shares in the same company. These

SUITS WERE DISMISSED

on the payment of the money in settlement. He then went on to relate the recovery of the real estate known as the Wells corner, amounting to about \$16,000; the Constitution building and grounds, worth about \$30,000; the property known as the Church Farm, which he now holds without any opponent, and continued: There was a piece of ground east of the Deseret News corner, worth \$5,000. I also found that Angus M. Cannon held in trust for the church certain pieces of property near Coalville; these were surrendered to me as receiver, and I now hold them. They are valued at about \$35,000. There were also vast numbers of sheep ferreted out—as near as I could get at it about 30,000 head. I received orders for the delivery of these sheep to me and found that they were scattered in small bunches throughout the entire length of the Territory—from Kanab in the south to a point beyond Lost Creek in the northeastern part of Utah, indeed some were as far away as Hilliard, Wyoming. I kept from one to seven men steadily engaged in the field, gathering in these sheep, which were found in fifty-seven different lots. I gave this matter my personal attention, and it occupied the greater portion of the time between August 25th and October 31st. I leased the sheep out to different parties at different rates; the major part of them, however,

WENT TO W. L. PICKARD,

of this city, for 20 cents per head per annum, he agreeing to return me as good a lot of sheep at the end of the year as he received from me. This would amount to about ten per cent. of their value. I also found that there had been scattered throughout the Territory about \$268,000 worth of hay, grain, cattle, horses, etc., but as most of this had been consumed at the time I was appointed, I compromised with the Church for \$75,000. I also found that considerable of the stock of the Deseret News Company had been transferred to the Salt Lake Library and Scientific Association, and was held by it. This amounted to about \$5,000 and in consideration of the stock being allowed to remain where it was the Church paid me this amount. I also received 4,732 shares of the Deseret Telegraph Company stock, which was held by the various stakes throughout the Territory. The actual value of this stock is from \$15,000 to \$20,000; it cost a great deal more than this, however. The line extends generally throughout the Territory; also into Nevada and Idaho. I also spent some time in the northern part of the Territory, taking with me my attorneys, clerk, shorthand reporter, and others. The Church Farm has been estimated by competent persons to be worth from \$100 to \$150 per acre—\$100,000 or upwards in all. Since my appointment as receiver until the present time, the office has claimed the greater part of my attention—and I have made one visit to Washington, where I consulted with the Attorney-General on the matter.

THE AGGREGATE VALUE

of the properties now held by me is about \$702,000. Deducting \$145,000 worth of property which was turned over to me, there is a balance of \$557,000 which was obtained through my efforts—assisted, of course, by my attorneys, whose advice I have always followed in the matter. I forgot to state that the Salt Lake Theatre was also one of the properties owned by the church, and this stock had been transferred to certain parties, some of it on notes due in March next. These

notes are gilt-edged and can be collected when due. Parley L. Williams was my principal attorney in the case, but adding there was a great deal more business than he could attend to, I also employed George S. Peters. It is due Mr. Peters to say that when I first approached him he said he could not act without the consent of the Attorney-General, Mr. Peters being District Attorney here. I wrote the Attorney-General, asking if there was any reason why Mr. Peters could not act, and received a reply that I might employ him. Mr. Peters then accepted the offer I made him. Later on, I also employed Marshall & Royle to bring the suits in the matter of the Wells corner real estate, and when the money was paid over to me for this property, they rendered me a bill for \$750, which I paid. I also employed one or two other attorneys in small matters. I felt always that the case was a very important one, and as it was a new thing, I never made a move that I did not go to my attorneys for advice, always being sure that we agreed before I did anything. These consultations were very frequent—not every day, but at least once a week. I have had them employed almost continually, as I look at it, to look after my interests as receiver. It having come to my knowledge that there

WAS CONSIDERABLE OPPOSITION

in Salt Lake to the employment of Mr. Peters, I again called upon the Attorney-General and stated the case to him. His reply was: "You did exactly right, Mr. Dyer, in employing Mr. Peters."

P. L. Williams was the next witness and in substance he testified—I was employed by the receiver as his attorney soon after he received his appointment, and worked in the Church cases since that time. The work done was equally shared by myself and Mr. Peters. Of the bill of Marshall & Royle for services in the Wells' corner suit, Mr. Williams thought \$750 was a very reasonable figure—that \$1000 would not have been too much. When asked concerning what amount was fairly due to the counsel of the Receiver, Mr. Williams thought \$10,000 each, or \$20,000 in all was about the right thing. He thought it a less figure than would be demanded by attorneys had they done similar work for private parties and were allowed to fix their own fees. Ten thousand dollars each was a very moderate compensation.

At this point an adjournment was taken till this morning.

AT TODAY'S SESSION.

Mr. Rawlins said the testimony had been taken last night without any notice to the attorneys for the defense, and they had no opportunity to cross-examine or object. As the defense had been deprived of their rights in this matter, they moved that the testimony thus taken should be stricken out.

Judge Sprague—I had the understanding that last evening was agreed upon.

Mr. Williams—I am surprised that there has been a misunderstanding.

Mr. Peters—As the attorneys for the defense were not present last night, we agreed that any objections they might have to the testimony could be entered.

Mr. Rawlins—Well, we give notice to move to strike out.

Mr. Williams—I move that we go over last night's ground again.

Mr. Rawlins—If we can have our rights with the testimony taken, we are content; but we do not desire to be deprived of any rights in the premises.

Mr. Young said that he had no idea that Marshal Dyer was to be a witness.

Some further discussion ensued, and it was decided to take a recess till 2 o'clock this afternoon, the testimony to stand, subject to objection by the defense, as though the attorneys had been present.

FROM FRIDAY'S DAILY, NOV. 16.

Arrest at Payson.

Yesterday Bishop Tanner, of Payson, was arrested on the charge of unlawful cohabitation. He was taken to Provo, and released on \$1000 bail for appearance at the examination on Monday.

First District Court.

Proceedings before Judge Judd, at Provo, yesterday:

The case of Albert Ubel vs. D. L. Dana was continued for the term.

The trial of the suit of W. L. McCormick vs. Gibson & McDonald, was heard by the court and taken under advisement.

New Firm.

Margetts Brothers—H. S. and F. E. Margetts—have started business at No. 26 East Temple Street, as dealers in stationery, toys, fancy goods, school books, etc. Both are young men well known in this city, and acquainted with the line of trade in which they have embarked. They have purchased the stationery stock of Parry & Co., and carry on business at the store formerly occupied by that firm.

Case of P. N. Liljenquist.

HYRUM, Cache County.

November 13, 1888.

Editor Deseret News:

Since the different newspapers have variously reported the investigation of