

report I furnished contains a full, true and correct statement of all moneys and properties received and disbursed by me down to the fifth day of July, this year, from the commencement of my receivership; all I received for personal property up to that time was \$308,033.08; have filed with the clerk of the court vouchers for all expenditures; they amount to \$52,444.10; the report making this showing was filed July 5, 1890.

The witness had corresponded with parties in Nebraska regarding some Church property in that State; later visited Omaha to investigate; obtained an abstract of the property; it had been abandoned by the Church for twenty years, and I considered it doubtful whether we could get it, as two sets of claimants had since occupied it; the matter was submitted to Mr. Varian; no steps except obtaining the abstract and referring it to Judge Zane, have been taken by me to secure this property; it is located at Florence; the granite quarry in Cottonwood Canyon I did not regard as of any practical value, and the Church only had a lease on it; the Church owned a half interest in a coal mine in Summit County, A. M. Cannon owns the other half; before I took charge of the mine it had been leased on a royalty of 25 cents per ton; Mr. Cannon accounts to me for half of the royalty; that was a good royalty; there has been no revenue since the lease expired last fall; the report I filed, dated July 20, 1890, contains all transactions up to the end of my receivership, from July 5, the date of my principal report; in 1887 I don't think I could have rented the Gardo House for more than \$75, the amount paid by Mr. Winder; I advertised for bids for a lease of the Gardo House but received none; it was then worth from \$40,000 to \$50,000; Mr. Winder had it from December 1887 to February 1890, at \$75 per month; the lease was for one year or until the end of the litigation, and though it would have brought a much higher rent after the "boom" started, it was thought the lease held it till the litigation should end; at length the question was submitted to the court and the lease terminated by its order in February, 1890; in January and February, 1890, a fair rental for it, without regard to the use to which it might be put would have been \$250 or \$300 per month, including the furniture. There were a number of parties who wanted to rent the Gardo House from me that they might sub-lease it to the Church at a profit; even if the Gardo House could have been leased for more than \$75 per month, I did not think it advisable to do so, on account of damage that might be done to the furniture; one party wanted to rent it in 1888, for a house of prostitution, and would probably have paid \$200 per month for it; for a legitimate purpose I don't think I could have got more than from \$100 to \$125 per month for it during that year; the rental I received for the tithing property was high, all it was worth, and more than any one else would

pay. The witness explained that the reason why the Gardo House yielded a much higher rent laterly than at first, was because of the "boom" and of the desire of the same tenant to retain it.

The matter of the sheep was inquired into at great length, and the witness detailed the expenses and losses that had occurred in connection with them. He insisted that he had caused the sheep in his possession to receive as good care as possible, though there were serious losses on account of the severity of last winter; about 6000 or 7000 head lost.

Adjourned till Saturday, September 6th at 10 a. m.

At 10 a. m. Sept. 6, Commissioner Stone's court met, the counsel and parties in interest being present. The court stated that the subpoenas which had been issued for the witnesses who were wanted on the part of the government, had been returned, with the endorsement "not found."

Mr. Varian stated that he would like to try again, and would also like to have subpoenas for some other witnesses, whom he did not name. An informal discussion took place during which it was disclosed that when the government should close, the ex-receiver would introduce some testimony. By consent a continuance was taken until Wednesday next (Sept. 10th) at 10 a. m. with the understanding that the government will close on that day and that on the next the testimony in behalf of Mr. Dyer will be offered.

GRAND JURY CHOSEN.

There was a full attendance of the bar in the Third District Court room Sept. 9th on the opening of the September term. Most of those who had been summoned on the venire for grand jurors were present, and the drawing of the inquisitors was proceeded with without delay. In less than half an hour the following had been selected:

Frank Richardson, Robert Kimball, James Lawrence, C. F. Dolberg, Dan Hutchinson, Cornelius Hunt, Brigham Shurtliff, J. C. Conklin, J. W. Neff, J. J. Snell, I. H. Collins, J. R. Cushing, Riley Graves, J. W. Cahoon, Henry Selgel.

J. C. Conklin was sworn as foreman, and the grand jurors were instructed to be in attendance at 2 p. m. when they would be charged by the court.

The following were excused for the causes stated: John Reese, refused to take the oath, and James Spaulding, absent; A. P. Mayberry, sick; C. B. Aldrich had not resided long enough in the territory; Wm. Glassman, on the objection of Mr. Varian, who declined to give the reason therefor.

At 2 o'clock the grand jurors were seated before the court when Judge Zane delivered a charge to them in the course of which he said substantially:

Gentlemen: The law makes it your duty to investigate all charges

of crime that may be alleged to have been committed in this district. The crimes which may be committed, and which you may be called upon to investigate, are defined in the laws of the United States of this Territory.

I call your attention to the crimes of polygamy, unlawful cohabitation, adultery and fornication, and to offenses in regard to the mails. These are made crimes under the laws of the United States and seem to be more common in this Territory than others. They are practiced in secret, and it will require diligence on your part to ferret them out. The fact that many people believe it right to indulge in such practices should have no weight with you.

The Congress of the United States has made the practice of polygamy unlawful. It is a blow at the institution of marriage, and is in contravention of the usages and sentiments of our civilization. There has been complaint that the more wealthy and influential men who practice these crimes are not prosecuted, while the weak, poor and ignorant among their followers are punished.

I want you to leave no ground for such a complaint. You should investigate the conduct of wealthy men who violate the laws, as well as of poor men who commit crime, and prosecute all of whose guilt you may have, or be able to obtain, satisfactory evidence.

You should be careful to investigate charges of the commission of other crimes, such as murder, larceny, arson, etc. In your investigations you should be actuated only by a desire to ascertain the truth. You should not indict, nor leave unindicted any man, through fear, favor, reward or hope of reward. The foreman will swear all witnesses who may come before you, and any of you may ask any proper question.

Should any man, whose conduct is being investigated, attempt to approach any of you, with a view to influencing your action, you should promptly report him to the court. Any man who seeks to corrupt the fountain of justice should be exposed and punished. I speak thus because I have heard that men whose conduct was being investigated have sought to approach and influence grand jurors."

There were added the usual instructions in regard to secrecy, when the grand jury retired.

The Grand Junction Street Railway Company has completed the laying of its line of track and is now busily engaged in the construction of stables at the corner of Fifth and Colorado streets. They expect to put their cars on the track some time next week.

A young lady stopping at Manitou who has a propensity for winking, much to the horror of her mamma, went into a Colorado Springs drug store and got whisky in her soda. She will be careful where she winks hereafter, however charming the young man may be.