



now came up before Judge Bartch on a continuance from Thursday last.

Ten o'clock was the hour set for the investigation to begin, but when the case was called, Colonel M. M. Kaighn, who is associated with Messrs. King and Houtz of Provo for the defense) asked that it go over until 2 p. m. He said the parties were to arrive by the 10 o'clock train from Eureka this morning, but so far he had had no opportunity of consulting with the majority of them, and had talked upon the matter with Attorney Houtz today for the first time. No harm, counsel suggested, could result from such a short continuance.

Attorney Critchlow (with whom Judge Bennett appears on the other side) objected to the proposal. He remarked that they were quite ready to proceed last Thursday, but did not then insist because the defendants wanted further time to prepare for the hearing, and the promise was made by their attorney that he would be ready to go on with the case this morning. Ample time had already been given.

Attorney Houtz said the trains ran in such a way between here and Eureka that it had been almost impossible in the interval for them to consult with their clients. They certainly wanted a few minutes' talk with the defendants upon their arrival this morning before the hearing began. The mill property in dispute was perfectly safe and secure in the hands of the sheriff, who was under a heavy bond and was not at all likely to injure or destroy it. He would probably take just as good care of the property as if the marshal were in possession.

Colonel Kaighn—This is working a hardship and an injustice on the defendants to force on the hearing before they are ready.

Judge Bartch—I do not think it is. The court deferred the matter on Thursday until this morning, and I think these parties should be here, ready to go on. If the case were not taken up until this afternoon it might be thrown over to another day. His honor eventually consented to take up a few informal matters and let the case in question stand over till 11 o'clock.

There was a goodly number of spectators on hand, some of whom hailed from the Tintio district, and the affair appears to excite widespread interest.

At the time appointed the defendants filed into court, and Attorney Critchlow opened the ball by reading the affidavit of Deputy Marshal Roman Cannon, which was substantially the same as the statement given in Thursday's News.

Next Colonel Kaighn read the answer of Sheriff Sullivan of Juab and his deputy, W. L. Scott, which set forth that they rightfully held possession of the attached premises when first interfered with by the deputy marshals. The statement went into detail in regard to the suits on which the attachments were issued, and showed that the sheriff's men held prior and lawful possession. An absolute denial was given to the deputies' assertions that they were attacked, aimed at or threatened with shot guns. An effort was, however, made by the deputies to oust the sheriff's men, and thereby defeat prior writs and attachments

and levies thereon. It was admitted that Bush was placed under arrest, but this was for unlawful interference with those in possession. Roman Cannon, said affiants, declared that he would, if necessary, bring there all the deputies in the Territory and all the U. S. troops at Fort Douglas. (Laughter.) Affiants averred further that the Third district court had been misled, deceived and imposed upon in the granting of the writs.

The affidavits of others of the defendants were also read by Colonel Kaighn, couched much in the same terms. The charges of violence and assault were stoutly denied. Affiants had no thought of disobeying any order of court and only did what they honestly believed to be their duty. They prayed, therefore, that they go hence unpunished.

Deputy Marshal Cannon first took the witness stand and testified to having gone to the mill on Friday night week accompanied by Deputies Bush and Casady, and armed with a writ of attachment from this court on the complaint of the Salt Lake Valley Loan & Trust company. He described the condition of the premises when he arrived there, narrated his conversation with Engineer Fitzgerald, Foreman Grier, Donoghue and others, just as previously given in these columns, and told of the scuffle which ensued after Donoghue's remark, "There are twenty-four of us here and I guess I can G—d—soon put you out." It then seemed to be a case of what one and the other "might, could, would or should" (or did) do. The witness related his conversation with Sheriff Sullivan, whom he met driving towards the mill as he (Cannon) was walking to Silver City, to send a telegram to Salt Lake. When he informed the sheriff that he had left two deputies at the mill, Sullivan answered, "G—d—them; I'll break that door in if I have to, and blow t e s—s of b—s to —." Then he added, "You had better wait till I do it and telegraph that too." (Laughter.)

In answer to Attorney King, Mr. Cannon said he did not know at the time he reached the mill that the sheriff had been in possession several days already. He saw no persons around, until they got to the mill.

Ex-Deputy Marshal Joe Bush corroborated the main portions of Deputy Cannon's statement. Cannon, he said, while they were in the mill, called his attention to two or three men in a back part of the building, near the tanks, who had shot guns; "but," parenthetically observed Bush, "I guessed they wouldn't shoot much." (Laughter.) When Cannon left the mill to go to Silver City he turned the attachment papers over to him, telling him to hold the place, but that if the other party forced him out, of course he would have to go. Bush, in a picturesque sort of way, next informed court and counsel that while he was having a little "snooze" on a cot Deputy Sheriff Scott dropped in, carrying a double-barrelled gun. The sheriff followed up with a rifle in his hand and told him he would have to get out of the mill. Witness was afterwards placed under arrest.

Attorney King—I suppose, Mr. Bush, you were about the only brave man around there?

Witness—No, I think I was a scared man. (Laughter.)

Asked whether he did not draw his revolver upon Donoghue, Bush stoutly denied having done so. He did not know whether Cannon and Casady were armed. He saw the faces of the three men who had the guns, but he could not tell who they were. He asked them their names, but they said it was none of his business. No gun was fired. There were some twenty men outside the mill; some held rifles and some pistols. All these were strangers to him. This was soon after the deputies' arrival.

Attorney Critchlow—Did Mr. Cannon, Casady, or yourself or Smith, at any time when you were down there, display any weapons?

Witness answered, none whatever. Deputy Marshal Casady next related his story, which was in line with the testimony of the previous witnesses. Sullivan, after Cannon had departed for Silver City, called witness a s— of a b— and said, "I'll blow n— out of you." He likewise stated that he had just met Cannon on the road and "I held him up with my Winchester."

Cross-examined by Colonel Kaighn, witness said he heard Mahan tell Deputy Cannon that he was there as a keeper. He was sure it was a double-barrelled shotgun, and not a rifle, which Sullivan—or a man they called Sullivan—pointed at him.

Court then took a recess till 2 p. m. The hearing was resumed at 2 p. m. when other testimony was called on the same side.