

Several witnesses were called for when Mr. Williams' testimony was ended, but as none were present an adjournment was taken until next day.

On the opening of the case Feb. 9, the petitioners called

JAMES HUNTER,

of Mount Pleasant, who testified—I have leased 3818 head of Church sheep from Mr. Pickard; leased them on October 14th, and received them from Toponce and a man named Cobb; I give two pounds of wool and 12 lambs on the hundred; Mr. Pickard was down at Mount Pleasant; I talked to Mr. Dyer after my conversation with Mr. Pickard; he said he had leased all the sheep he had to Mr. Pickard; I spoke to him about taking sheep from him personally, in case he wanted to invest; I did not state my terms to him; Mr. Pickard told me he had taken sheep from Mr. Dyer; I have been in the marshal's office since I came to the city this time; was introduced to the attorneys for the receiver; have not conversed with them; have conversed with the receiver about what I knew; this was yesterday, in the receiver's office; Mr. Moffatt was present; do not know whether or not he was taking what I said—

Mr. Williams—Here is a copy of it. Mr. Hunter, continuing—I went to the marshal's office because I was subpoenaed.

To Mr. Williams—I was subpoenaed by Mr. Dyer, in his behalf; was never subpoenaed for the other side; I had a herding outfit, and wanted to lease sheep; Mr. Pickard's terms were higher than I wanted to pay for sheep of that quality; he wanted one-half more than was usual for the same grade; I tried to get sheep elsewhere, but was not successful; I would not have taken them but for my situation; independent of my circumstances I would not have paid more than one and a half pounds of wool, and eight lambs on the 100; I know of men who could not sell better sheep at \$1.75 per head; have seen the Farnsworth sheep, including about 3000 Church sheep; they would shear from three and a half to four pounds; they are below the average, being loose wool sheep; they were worth about \$1 or \$1.25 per head; they were gathered as tithing sheep; the sheep I got from Mr. Pickard were superior to the Farnsworth herd; I consider a fair rental for 25,000 of the average of such sheep, scattered in thirty or forty places, for one year, to a responsible man, 20 to 25 cents per head—that is if he had to gather them; the lambs returned from my herd, if allowed to run with the sheep till December, would be worth about \$1 per head.

To Mr. Critchelow—Mr. Bowman subpoenaed me; I did not see Captain Greenman; did not know he had a subpoena for me; I helped to gather the Farnsworth sheep in the fall of 1887; Pickard leased to the Farnsworths the Church sheep they had gathered.

GEORGE S. CROSBY testified—I live at Panguitch, Gar-

field County; Jesse W. Crosby is my father; he is President of the Garfield Stake; I was at the Pipe Springs ranche in May, 1887; the Church had cattle there then; I don't know as to the number; we got 300 head, and drove them to Panguitch; these were beef steers; there were 308 when we started, and we lost some; part of the 300 were turned over to J. W. Young, and the rest were sent to Richfield and Manti; I understood Mr. Young had 360 head of cattle; never heard of 2000 head of cattle being sold to him; he got 204 head of horses in November, 1888, at \$28 each; my father said he would have given more, but he did not say how much; heard that there were some cattle sold from the Pipe Springs ranche to Murdock & Farnsworth, of Beaver; this was in the fall of 1888; the horses were "scrubs," with a few good ones; there were about 4000 of everybody's cattle on the Pipe Springs ranche; have not conversed with my father about my testimony.

To Mr. Williams—I conversed with Judge Zane and his son and Mr. Showell this morning; the fat steers were driven to Richfield and Manti in the fall of 1887; last fall, 1888, they were taken to Salt Lake.

To Mr. Critchelow—My father was telegraphed to, to come to this examination; I did not say to Judge Zane that Bishop Preston sent for him.

M. HATCH

testified—I live at Panguitch; know the tithing grounds there; the value is about \$2,000; I helped to gather Church cattle last year; they were sold to John W. Young; we gathered 360 head, worth \$15 or \$16 each; Mr. Young also got 200 horses.

To Mr. Williams—Dun Seegmiller received the stock for Mr. Young, and started south; this stock had been turned as tithing; could not say whether it was before or after March, 1887, that they were turned in.

Mr. Critchelow said they had some other witnesses, but these were not present, and it was decided they could be called later on.

THE DEFENSE.

resumed the taking of testimony, calling as a witness

J. R. FREEMAN,

of Herriman, Salt Lake County. He testified—I am in the sheep business, having been engaged in it nearly all my life; I herded Church sheep during 1887 and 1888; had over 1700 head; I gave them up last September to J. H. Wolcott, who represented Receiver Dyer; the sheep were of an inferior quality; during the winter of 1887 and 1888 the loss in the herd was more than is ordinarily the case in good hands under the same condition; these sheep would shear about 4½ pounds; 6½ to 7 pounds is the average; a fair cash rental for the sheep I had, for one year from last October, would be about 20 to 25 cents per head; I would not give any more; my brothers had 3,400 Church sheep, of about the same

grade as those in my charge; they rented from the receiver at 25 cents per head.

To Mr. Critchelow—The first winter I had the Church sheep with my father's; afterwards we kept them separate; I paid the Church 2 pounds of wool and 10 lambs—12 lambs the first year; I don't know who got the sheep after I turned them over to the receiver; they sheared under five pounds last year, and under four the year before.

To Mr. Williams—I lost money each year on the sheep at the rental I paid the Church for the sheep.

CHAS. R. M'BRIDE

testified—I reside in Tooele County; am interested in the sheep business; knew 2000 of the Church sheep delivered to the receiver at Wasatch; they were worth about \$1.50 per head—not more; they were under the average of sheep in Tooele County; when they were turned over to the receiver a fair cash rental would be 20 to 25 cents per head.

To Mr. Critchelow—I paid for sheep one pound of wool and 10 lambs to the hundred; this was not Church sheep; I know of no sheep being leased at 20 cents cash rental, but we are paying about that in actual value for better sheep than the Church sheep that I know; a man not fully responsible financially would have to pay 10 cents per head more for sheep than one not in the same situation; I understand all men do not pay their best sheep for tithing; I would not like to say what other men do; I don't pick out the fat ones, but pay average sheep.

JOHN J. FREEMAN

testified—I know the Church sheep; I have 3450 of those turned over to receiver; had them four years before then, and leased them from year to year; we got them from the Church at about 50 cents, according to the price of wool; I leased them from Mr. Dyer last fall; I came and offered him 25 cents per head; he asked for more, but I refused to give it, because I had lost heavily at the old rate—didn't get enough to pay my debts; the flock I got were worth \$1.50 per head at the most; wool last year ranged from 8 to 13 cents per pound; I told Mr. Dyer that if he wanted more than 25 cents he could keep them himself; their quality was below average; for one year, 20 cents per head would be all they were worth for 25,000.

To Mr. Critchelow—I agreed with Mr. Dyer to keep the old stock good; the sheep I had were above the average of Church sheep.

Recess till 2 p.m.

The first witness called in the afternoon was

ISAAC E. FREEMAN,

of Herriman. He testified—I am acquainted with a portion of the Church sheep; those I know are all below the average of the sheep in the Territory; my brother and I had those we have now for four years; they average four and a half pounds of wool, while the average good sheep furnishes six and a half to seven pounds; we lease now from Mr.