

that the Endowment House was removed in 1889. The plot was made in 1888.

Mr. Varian asked if Bishop W. B. Preston was present, but he was not, and Bishop R. T. Burton was sworn and testified—I was counselor to Bishop Preston in the fall of 1887; have held that office since 1875; he was Presiding Bishop in 1887; he received the property paid as tithing; accounts were kept with the several Stakes; his office had a general knowledge of the tithing business of the Church; about twenty Stakes were in communication with his office; some Stakes had tithing offices and yards, and others had not; could not say how many owned and how many rented the property used for tithing purposes; the Stakes leased or owned and controlled the local tithing properties; the Stakes all belonged to one Church, but have local self government; in some respects they were under the control of the general Church authorities, but not in regard to their property; Stake officers are not nominated at general Church conferences; Stake authorities are chosen and sustained at Stake conferences; the Church corporation did not own any property used by the Stake, to the best of my knowledge; there was a transfer in 1887, by the Trustee-in-Trust, of personal property to the various Stakes; to my knowledge the Church did not, at that time, own any real property outside of this city; don't know how the Temple at St. George is owned or controlled; that at Logan is owned by a corporation, I think; am acquainted with what is known as the Church farm near Logan; it was formerly the private property of Brigham Young and was donated by him to the Brigham Young College; there are Stakes and branches of the Church in other territories, which pay tithing; the Mormon settlements in other territories are part of the Church; don't know that I am familiar with the ownership of the Temples in St. George, Manti and Logan; could not describe the Temple at Manti, nor the amount of land connected with it, nor state the cost of either; property was donated to build the Temple, at inflated prices; could give no approximate estimate of the cash cost of the Manti Temple.

Think the Temple at St. George is about the size of the one at Manti; it is much smaller than the one here; it stands on a small tract of land; there may be other buildings on the ground, but no residences; St. George is a small town, in a sparsely settled region; have no idea what the Temple there cost; think there is a tabernacle in both St. George and Manti; also tithing offices in both.

The DESERET NEWS property is separate from the tithing property in this city; think the tithing property in St. George is about 10x10 rods in size; think the Temple at Logan has about ten acres of land; think it is about the size of the one at Manti; have no correct idea of its cost; it cost probably over \$100,000; can't give

the name of the corporation which owns the Logan Temple; can't give the size of the tithing property in Logan; can't tell how its title is held; think it is about 10 rods square; it is near the centre of the city.

Don't know how the Temples are controlled; think they are controlled by the associations owning them; they have their local officers; the presidents of the Temples have immediate control, but in a general way the authorities of the Church exercise a degree of control over them; never knew of more than one Endowment House; it was under the control of the Church authorities, and was used for purposes like those of Temples; members of the Church desiring certain ordinances must go to a Temple to get them.

I know of no conveyances of any Temple real property, in 1886 or 1887, by the Trustee-in-Trust; I was absent much of the time during those years; the Church conveyed or transferred no real property in those years, so far as I know, to any person; I was much in company with Bishop Preston in those years; I don't remember that the matter of transferring real property belonging to the Church was much discussed in my presence.

To Mr. Richards—The Church had a Trustee-in-Trust in 1886 and 1887; he had control of the Church property; he died in 1887; I did not intend to say that the tithing property in Logan was even transferred by the Trustee-in-Trust; don't think the Trustee-in-Trust ever held the title to that property; think it was always held by local trustees; the Church never owned, nor had any title to, what is known as the Church farm, near Logan; the Church formerly leased a portion of it; I have no knowledge of any real property in any of the Stakes having been owned by the Church; all the Temples outside of this city are held by corporations, as I understand.

To Mr. Varian—Was here when the land of the Logan Church farm was first settled upon; before it came into market the Church kept live stock on it; don't know how Brigham Young obtained his title to it; understand he deeded it to the Brigham Young College at the time the latter was founded; I do not know whether or not the college was founded and endowed under the auspices of the Church; did not read the editorial in the DESERET NEWS of yesterday in regard to Church schools; have no personal knowledge of the terms of the bequest by which the college was endowed; I understand the college to be a Church school, but that secular education is imparted in it.

The Social Hall in this city has been used for many years for a variety of purposes; think it is controlled by an association; in former years it was used as a theatre; there was property held in the name of Brigham Young which his estate accounted for to the Church; don't know the value; don't know if the Social Hall was part of it; the Council House corner was used for various purposes; the first legislatures of the Territory met there, and

it was used for holding courts; after that it was used for various purposes; could not say how far the authorities of the Church exercised control over it; understand that some time prior to his death President Taylor conveyed it to a corporation organized for literary and scientific purposes; think the members of the society are mainly members of the Church; don't think the society or its property is controlled by the Church; many of the ward Bishops are members of it; it is controlled by its board of directors and officers; could not say how long before President Taylor's death the Council House property was conveyed by him to the association.

Mr. Richards promised to get the date of the conveyance from the record.

To Mr. Richards—I do not know how long the association existed before it received the Council House property; I do not understand that the Brigham Young College at Logan is controlled by the Church authorities; it is different in this respect from the Latter-day Saints' College in this city.

To the Commissioner—The reason why the Council House property has not been improved is a lack of means, and not because of a fear that the title was doubtful.

Mr. Richards here informed the court that the title to the Council House property was once tried in a suit planted by the receiver, and the result was a decree in favor of the association.

The Commissioner remarked that Mr. Dyer still held that the receiver had a right to pursue that property, and the court records were sent for, and brought in, to ascertain the nature of the decree Mr. Richards spoke of.

Mr. Varian offered in evidence the judgment roll in the case of F. H. Dyer, vs. H. S. Eldredge, et al., including the decree referred to by Mr. Richards.

The Commissioner said it was a question of law as to whether the decree had the effect claimed for it by Mr. Richards.

In reply to Judge Judd, Mr. Varian stated that the case was closed so far as the government was concerned.

The Commissioner stated that he would cross-examine the witnesses who might testify in behalf of the ex-receiver.

Owing to uncertainty as to when the parties would be ready for another sitting, the court adjourned subject to call.

INTERESTING ARGUMENT.

September 9th an argument took place before Judge Zane, between United States Attorney Varian on the part of the government and J. L. Rawlins on the part of the other parties concerned—they can scarcely be termed either defendants or intervenors—which was very interesting to lawyers, and involved the validity of certain proceedings that have taken place in connection with the escheating of the Church