

RECEIVER DYER

testified, in reply to questions by Judge Marshall—At the time I wrote the letters to Auerbach and the others I have mentioned, I wrote to no one else on the subject; I then went to Washington; after I came home I wrote to George Y. Wallace on the same subject, and received a reply; I can produce his letter if you desire it; I believe he stated that 5 per cent on the entire amount, out of which I should pay all expenses—

Judge Marshall—Did you ever write to Mr. Baneroff on the same subject?

Mr. Dyer—I think not.

Judge Marshall—Well, for the purpose of refreshing your recollection I will ask you if he did not tell you that \$5000 or \$8000 a year would be ample?

Mr. Dyer—I have a different impression about that; I think someone did speak to Mr. Baneroff before the hearing, and he said he could not do me any good, or something of that kind.

Judge Marshall—When the petition for compromise was prepared and presented to the court had you taken any pains to inform yourself of the values of the property which you asked to be permitted to compromise?

Mr. Dyer—Well, yes.

Judge Marshall—What percentage of the full value of the real estate did you suppose you were getting?

Mr. Dyer—About 50 per cent of the whole property. The Z. C. M. I. shoe factory was not taken into consideration; I included the land upon which it was built.

Judge Marshall—Did you make any investigation as to the Provo Woolen stock?

Mr. Dyer—No. The evidence on which that was based came out before Examiner Sprague; Mr. Cutler said he paid more for it than it was worth; I do not remember getting any other information, save from the defendants; I never thought we got the full value of the street railway stock; I always understood it was worth at least \$100,000; the stock was transferred to Francis Armstrong about the 2d of March, 1887; I never understood that the transaction occurred April 8; I always thought the chances for recovery were good—at least fair.

To Judge McBride—I never had a conversation with McBeth in reference to the tithing office property at Payson; he did say something about hay, but he could not tell where it came from or to whom it belonged; he never informed me that there were other Church cattle there.

To Judge Powers—I have looked for the letter from the Attorney-General in respect to my employment of Mr. Peters, but have failed to find it; the contents were to the effect that there was no impropriety in the employment of Mr. Peters.

JUDGE J. R. McBRIDE

testified that he had read the letter from the Attorney-General with reference to Mr. Peters' employment as counsel for the receiver; Mr. Gar-

land had said that he saw no objection to such employment.

BISHOP JOHN R. WINDER

was called and interrogated by Judge Marshall, who inquired, "What interest have the defendants in this matter?"

Mr. Winder—In this particular proceeding, none whatever.

Judge Marshall—What is your motive in attending this investigation?

Objected to by Judge McBride.

Judge Harkness—You can hardly inquire into the motives of a spectator. You may ask if he has any interest.

Judge Marshall—Are you interested for either of these parties?

Mr. Winder—I am not.

Judge Marshall—Where are your interests?

Mr. Winder—They are with the Church. I am here to see what goes on. Mr. Young, of our counsel, has also been here for the same reason.

Judge Marshall—Haven't you prompted the respondent's counsel here?

Mr. Winder—I suggested on two or three occasions that they ask some questions to bring out the facts and correct some mistakes that had been made, but they rejected my suggestions and I ceased offering them.

Judge Marshall—Haven't you furnished and examined witnesses for them?

Mr. Winder—I have not.

WALLACE'S LETTER

to Receiver Dyer was then introduced. It reads as follows:

SALT LAKE CITY, Nov. 14, 1888.

F. H. Dyer, Esq., City.

Dear Sir—You ask me to give you my ideas as to what your services as receiver for the property of the Mormon Church are worth.

As administrator for an estate worth \$750,000, you would have received 1 per cent, or \$7,500 and all the property turned over to you without any trouble. As I understand this case, only some \$200,000 was so turned over, and the balance you had to find, which was no small job. I should think 5 per cent, none too large for such services, or from \$25,000 to \$30,000.

Very Respectfully,

GEO. Y. WALLACE.

CHARLES O. WHITMORE

was sworn for the respondents, and examined by Judge Powers.

Q.—Where do you reside?

A.—Salt Lake City.

Q.—What is your business?

A.—Attorney at law.

Q.—Been acting as attorney for school trustees during the progress of this investigation?

A.—Yes, sir.

Q.—Will you state to the court how many men you had out looking up testimony in this case?

Mr. Critchelow—What is the materiality of that?

Judge Powers—We propose to show that there have been at least five men out during the progress of this trial, searching for testimony, over this Territory, in order to show

the thoroughness of this examination.

Judge Marshall—We object to that as immaterial and irrelevant.

The Examiner—I think it is immaterial. The order required the school trustees to furnish all the evidence, and witnesses that they had.

Judge Powers—I do not suppose counsel will deny the fact, and I want to know the names of those men who were out.

Judge Marshall—For what purpose?

Judge Powers—I stated.

Judge Marshall—I thought it was for another purpose you wanted to know the names?

Judge Powers—Yes, I want to know for another purpose.

The Examiner—I don't see the materiality of that now.

Q.—You have been familiar with the conduct of this prosecution, haven't you?

A.—Yes, partially so; until the last three or four days, I have been so busy with other matters that I haven't.

Q.—Well, as a general thing you have kept the run of it; you have known how it has been managed, haven't you?

A.—Well, to a certain extent, yes.

Q.—It is a fact, isn't it, that all the witnesses, or nearly all of the witnesses who have been subpoenaed here, have first been taken to the office of Zane & Zane and there examined, and the materiality of their testimony determined before being sent up here to this room?

Mr. Critchelow—We object.

The Examiner—I think it is immaterial.

Judge Powers—We propose to prove the facts stated in the questions, and desire to take an exception.

Q.—Will you state to the court how many witnesses have been subpoenaed by the parties representing the school trustees, for this examination?

Mr. Critchelow—We object.

Judge Marshall—We object as immaterial and irrelevant.

The Examiner—I think the objection is well taken.

Judge Powers—Note an exception.

Q.—Who employed you in this matter?

Judge Marshall—We object to that as immaterial and irrelevant.

Mr. Critchelow—It is not shown that he has been employed yet, either.

Judge McBride—You have inquired a good deal about employment here.

Mr. Critchelow—It has not been shown that he was employed.

Judge Powers—It was stated that he was employed as representing the school trustees.

Judge Marshall—I don't understand that that fact has any materiality to this investigation.

Judge Powers—What I want to know is, who employed him.

The Examiner—Well, he may answer. I cannot see that it is material, but if any officious person has been improperly interfering, and sending in attorneys—