

representatives, and directed them to make an investigation. If any other parties are represented they should get the consent of the court. These parties have been forbidden by the court, and to allow them to come in now would be a violation of the order of the court. Mr. Baskin, on the former occasion, said he had had no opportunity to go before the court.

During Judge McBride's remarks, Judge Marshall and Mr. Baskin retired for consultation, and on returning, Mr. Baskin again took his seat at the table.

Mr. Baskin—When unanimous consent was given for me to come in, I supposed it was unnecessary to go to the court.

Judge McBride—We all know that Mr. Baskin makes his cross-examination very extensive, and in this case we have already taken much time. The unanimous consent was given only because he had not been able to appear before the court. Now, that he has had opportunity, and did not do it, we withdraw our consent.

Mr. Critchelow—We now make the application for Mr. Baskin to assist us. We were told to spare no means to make the examination thorough. We take this as one means necessary. Mr. Baskin has been acquainted with the case, and in deference to the Supreme Court, we should be allowed to have his assistance. We request that he be allowed to interrogate the witness for us. We make our request as broad as we can.

Judge McBride—Mr. Baskin came as the representative of the trustees.

Mr. Critchelow—He formerly did, and his application was not allowed.

Judge McBride—I protest against the trustees' representative appearing under any guise. It is not fair to the court to let him in.

Mr. Critchelow—The court does not want to smother anything.

Judge Powers—There is no attempt to smother investigation, we have a right to object to the importation of the representative of persons adjudged in contempt. The idea of smothering is a very peculiar one from the mouth of the counsel of the court.

Judge Harkness said that he understood that the request of the trustees to be heard in the case was not granted by the court. The evidence in the hands of the trustees was placed in the hands of counsel for the court. Mr. Baskin said the other day that the trustees should be heard. I said that I could not allow new counsel, but said the counsel for the court could ask such aid as they considered proper, as they were in a peculiar position from their recent acquaintance with the case. Objection is made to Mr. Baskin's appearing, and I cannot permit him to appear for the trustees. I would very much dislike to be guilty of discourtesy of the court, and I will permit him to appear with counsel for the court, with the understanding that the testimony thus taken may be stricken out by the court. Or you may take a recess till 2 p.m. and I will endeavor to obtain the

views of those of the court now in town in respect to this—that is, if I can.

Mr. Baskin—If it is not done that way, my self-respect will compel me to withdraw.

The suggestion for a recess was adopted.

The spicy proceedings of the forenoon with reference to Mr. Baskin's being permitted to appear and cross-examine witnesses were suddenly ended in the afternoon by ruling that while the court attorneys might have counsel to consult with, it would not be proper for any but themselves to examine witnesses.

Mr. Baskin—I want it understood that I knew I could not get any legal standing without the consent of both parties. With that withdrawn I do not care to appear.

Judge Harkness—You may remain and counsel with the court attorneys.

Mr. Baskin, who had started for the door, returned, and after saying "Oh, I understand that," walked out of the room.

Judge Powers (to Mr. Williams)—What do you think of the compromise, was it a fair and a just one?

Mr. Williams—I thought so then, and I think so still.

Mr. Williams was excused as a witness, and

E. D. WOOLLEY

called to the stand. He testified—In March, 1887, I was in charge of the Church cattle at Pipe Springs ranch; these cattle were transferred to the Kanab Stake by the Church; in May 308 head were driven to Panguitch, to Mr. Crosby's; they were being taken to the upper range, to feed for beef; there were no other cattle there belonging to the Church at that date; cattle are constantly being received on tithing.

To Mr. Critchelow—There were on the ranch about 800 head of Church cattle; some were sold to pay the expense of the round-up when the cattle were being gathered for the receiver.

J. W. CROSBY, JR.,

testified—I received the 308 head of cattle referred to by Mr. Woolley; I retained them until Nov. 1, 1887, when about 250 were taken to Richfield; left about 150 of these with Mr. Bean, and took the remainder to W. H. Folsom, at Manti, the proceeds of them to be used for the construction of the temple.

To Mr. Critchelow—I testified to these matters when I was on the witness stand a few days ago; the cattle bore the "cross" brand.

RECEIVER F. H. DYER

testified—I am United States Marshal for Utah, and receiver in the suit of the United States vs. the Church of Jesus Christ of Latter-day Saints; began my duties as receiver Nov. 10, 1887; have never filed a specific claim for services as receiver; the letter regarding my compensation, from F. S. Richards and LeGrand Young, was received by me October 31; before that date John A. Grosbeck had been examined as a witness in regard to compensation; I had made inquiries on

the subject; sent a letter to Mr. McCornick; received a letter from Mr. McCornick in reply.

The letters were introduced as evidence. Mr. Dyer's request was as follows:

OFFICE OF U. S. MARSHAL,
Salt Lake City, Utah.
October 29th, 1888.

W. S. McCornick, Esq., Salt Lake City:

Dear Sir:—As you are somewhat familiar with the amount of work done by me as receiver of the Church of Jesus Christ of Latter-day Saints, the bond required of me in the premises and the risk which I am now carrying, I would be much pleased to have you state to me about what you consider a fair compensation to me for services rendered to date as such receiver. An early reply will greatly oblige,

Yours truly,

FRANK H. DYER.

Receiver of the Church of Jesus Christ of Latter-day Saints.

To this Mr. McCornick replied:

MCCORNICK & CO., BANKERS,
Salt Lake City, Utah,
October 31st, 1888.

F. H. Dyer, Esq., Receiver of the Church of Jesus Christ of Latter-day Saints:

Dear Sir:—Referring to yours of 29th inst., in answer, I am somewhat acquainted with the nature of receiverships, and am aware of the large bond given by you in the case in question. In consideration of the large bond required, and the large amount of property in your charge, and the trouble in getting possession of it, I consider that your compensation should be from \$25,000 to \$30,000. Very truly yours,
W. S. MCCORNICK.

Judge Powers said he offered the letters to show good faith, and to explain the letter from Messrs. Richards and Young.

Mr. Dyer (continuing)—I also wrote a letter to Col. S. A. Merritt, and received a reply thereto.

These were received in evidence. They read as follows:

SALT LAKE CITY, Utah,
Oct. 31, 1888.

Col. S. A. Merritt, Salt Lake City, Utah:

Dear Colonel—As you are aware, I was appointed receiver of the Church of Jesus Christ of Latter-day Saints about one year ago, and since that time I have devoted a great deal of my time for the interests of such receiver. When first appointed there was about \$140,000 real estate turned over to me, and I was informed at the time that that was all the property that the corporation had; but I went diligently to work to find more, believing as I did that there was very considerable more that could be found by proper exertion. I finally succeeded in unearthing and got into my possession about \$300,000 more, making a total of something over \$740,000 now in my possession; and, as you are aware, I was compelled to give a bond (in the aggregate) of \$300,000. Under all these