

subpoenas were not authorized by the court, why it was that Mr. Goodwin was permitted to conduct an examination of his own outside of the law. The testimony of the witnesses he was sending was outside of the case and perfectly useless.

Quite a number of witnesses summoned were notified that they would not be wanted to testify. Among these were L. R. Watrous, Fred Turner and Aaron Farr, who had come on the Goodwin subpoenas. There were also two aged farmers, in poor circumstances, who had to raise money to pay their way down. These parties were notified that they would not receive pay for their services, as they were not needed. It was then discovered that a sifting-mill had been in process in Judge Zane's office, to find out whether or not the witnesses knew anything. If it was concluded that they did not, they were sent adrift. What redress they have has not yet been shown, but some of them declare that they will not let the matter rest until they get their pay, or know the reason why.

W. H. REMINGTON

was called in the afternoon as a witness. He testified—I am acquainted with the value of cattle; know nothing of the Pipe Springs ranch, Arizona; I have been to Southern Utah; heard of Church cattle at Kanarra and at Richfield, Utah; I understood they were to be sold; never saw them; I told Mr. Dyer that Mr. Mount told me eight hundred head of beef steers belonging to the Church were to be sold; this was the Richfield herd; I said to the receiver that I understood there were about 3000 two-year-old steers to be sold as the property of the Church; I said I would give \$15 per head; he told me there must be some mistake; Mrs. Mount told me the cattle were there; I have never said to Mr. Varian what I thought the value of the cattle belonging to the "Mormon" Church was; if he said there was a certain number, I may have said they were worth \$250,000; I don't remember talking to Mr. Varian about it; remember Mr. Varian saying there were \$250,000 worth of Church cattle, and I remarked to him that that was pure gain on the figures of the compromise; I testified before Judge Sprague as to the receiver's compensation; I had conversed with the receiver about his work; and obtained my information from him.

Judge Powers—What is the object of this?

Mr. Critchelow—On the question of compensation.

Judge Powers—The court said it did not want any evidence on that.

Mr. Critchelow—The question of compensation, pure and simple, yes. But so far as fraudulent compensation is concerned, no. If the claims partake of the character of fraud, or are unconscionable or excessive, we have a right to attack that. We don't ask witness as an expert as to the compensation, but to show

the unfairness, or fraud, that existed. We shall have the evidence of a number of witnesses on this very question.

Judge Powers—The Supreme Court has said that it does not desire an investigation of the question of compensation. Whatever there is of a fraudulent or unconscionable claim, it would be proper to show. But the receiver has made no claim.

Judge Marshall said they expected to show that there was a claim and a charge of \$25,000, on the part of the receiver, for his services. Before Judge Sprague his own attorney said that \$25,000 was the extent of his claim, and Mr. Dyer said he would be satisfied with that. Under these circumstances it was plain that evidence could be introduced on the subject. This evidence tends to show a fraudulent claim. This witness testified to reasonable compensation for the receiver, and if he was misled by the receiver as to the labor performed, there was a fraud committed on the part of an officer of the court.

Judge Harkness said that an examination had been held as to compensation, before Judge Sprague, so far as the amount was concerned. This matter is limited with me to charges of fraud, whether indictable or not. It is corruption in office that is meant, as Mr. Dyer is an officer of the court. It is not a fraud to place a high estimate, honestly, on his services. The question is, has a claim been presented for services not done, or excessive for what has been done? Limited by the order of the court, I cannot admit any evidence as to the compensation, as I do not desire to violate the order of the court. Unless it is shown that the receiver knowingly charged for what he did not do, or knowingly made an exorbitant charge, evidence on the compensation cannot be received.

Mr. Critchelow stated that they expected to show that the facts set out by the receiver, on which witnesses made their estimates, were not as they actually existed.

Judge Powers—We want a full inquiry of this question of frauds.

Judge Harkness—I am going to the extreme limit of the order, and will allow all testimony touching upon the allegation of fraud. I would not ask the attorneys appointed by the court to vouch for the strength of their case.

MR. REMINGTON

continued—I said the receiver was entitled to five per cent of the property handled, for his services; I think he should have but two-and-a-half per cent on property voluntarily turned over to him; I understand certain real property had been turned over voluntarily, and that the personal property was pursued by detective work; I don't remember just what was gathered by detective work; I understood he obtained more cattle than was voluntarily turned over to him.

To Judge Powers—My testimony was based on the testimony of Mr. Dyer as given before Judge Sprague.

To Mr. Critchelow—I am a bondsman for Mr. Dyer, whether as marshal or receiver I do not know.

THOMAS HOUSE

was recalled and testified: The stock in the Star Valley and Oxford ranches had the Church brand vented in the fall of 1887 and 1888.

Judge Powers—How many had the brand of "Z & Z" on?

Mr. House—About two-thirds had the cross Z on.

NEPHI SHEETS

testified—My father is E. F. Sheets; he used to be a foreman for the Church, superintending the cattle, horses, etc.; I saw him last ten days ago; I do not know where he is today; he has no charge of cattle in Idaho at the present time; he has not acted for a year or more; my brother succeeded him; am not familiar with the Church stock; have had no business with the Church for twelve years.

By this time all of the witnesses in waiting had retired from the building, not even a bailiff being in sight, so a recess was taken to hunt up some one to proceed upon. On resuming,

J. W. CROSBY, JR.,

of Panguitch, Garfield County, was called, and testified—I know the Pipe Springs ranch in Arizona; it is seven or eight miles from the Utah line; it has never been known as the Church farm to my knowledge; I understood the Church had some cattle upon it; other individuals also had cattle there; I do not know how many cattle were there; some of the cattle have a cross brand—others besides the Church use this brand; I do not know that any of the cattle on the Pipe Springs ranch bore the brand "47"; a few steers were sold from the ranch in September, 1888; I know that some were sold to John Murdock in 1888—how many I could not state; I am not able to approximate the number; could not say whether he took 100 or 500; I should say there were about 3000 head of cattle on this ranch in 1888; do not know who was the reputed owner of the cattle upon this ranch prior to 1887; I saw a variety of brands on the cattle; do not know of any cattle having been sold to John W. Young in 1888; saw about 2,000 head rounded up there in that year to deliver to Receiver Dyer; in 1888 there were probably seventy head of saddle horses on the ranch; I was there for the purpose of helping round up the cattle; could not say how great a percentage was rounded up—probably not one-third of them was gathered; when we decided with Dyer's agent that we could not agree upon a price, they were turned out again; they were native cattle of not a very fair grade—they were mostly yearlings, heifers and old cows. The steers had all been driven away—about 300 head being taken to Panguitch; don't know whether John W. Young finally got the steers or not; I heard that he bought about 200 head of horses from a church hand at Panguitch in November last; never heard how much he paid for