

the Edmunds-Tucker law was passed, has not acquired any since, and never had any, to the best of my knowledge and belief.

To Mr. Varian—The Stake presidency preside over the members of the Church, in the Stake; they are sustained by the people over whom they preside; they are not general Church officers; are not chosen at general Church assemblies, but at Stake conferences.

To Mr. Williams—Did the representatives of the government understand that the property named in the statement of facts comprised all the Church had?

In answer to this question the witness narrated how the negotiations for a final decree were opened by the government counsel, and how the Church, in response to their requirements, turned over a large amount of property which they had no right to claim, satisfying them and they presumably considered they had obtained all the property the Church owned. Such was the fact as I understood at the time, and have since understood, and I think the government counsel took the same view.

To the Commissioner—Col. Broadhead concurred with me in the view that the final decree estopped further pursuit of property, neither the receiver nor his attorney had anything to do with drawing the decree.

To Judge Judd—There was much difficulty in agreeing upon the statement of facts.

Mr. Peters threatened to take testimony; when an agreement was reached, I understand Mr. Peters telegraphed to the Solicitor General and I was told that the latter approved of the arrangement.

Recess till 2 p. m.

Tuesday afternoon, Sept. 2nd, the proceedings opened by swearing LeGrand Young, Esq., who testified. In answer to questions by Mr. Varian—I am one of the attorneys for the Church; participated in the negotiations leading to the statement of facts upon which the final decree was based; there had been a controversy regarding some of the properties turned over under the statement of facts; some of them had been conveyed to other parties, and the government proposed to set aside those conveyances; it was one of the conditions under which certain properties were turned over, that a final decree should be entered; in effecting the compromise regarding the personal property in lieu of which \$75,000 was paid, the Church attorneys dealt with Mr. Peters and not with the receiver.

The witness corroborated Mr. Richards' statement of the negotiations which culminated in the statement of facts and final decree; my view was that the final decree ended the suit, and disposed of the whole question; am not familiar with properties used for Church or tithing purposes throughout the Territory; there are tithing properties at various points; my view is that while the general Church authorities exercised a degree of control over tithing properties, they

always were held to belong to the people locally; this question had often arisen before this litigation began, and the people locally always claimed the tithing yards, etc.; there is but one Church, but there are many branches, which are independent in respect to the ownership of property; I think the title to the Manti Temple never vested in the Church; I do not know who appoints the persons who have charge of the Temples; I think the Church authorities recommend certain men, but the people receive or reject the nominees.

To Mr. Williams—Prior to the agreement upon the statement of facts, several suits had been planted by the receiver to recover disputed properties, which were surrendered for the purpose of obtaining a final decree, it was agreed by the government that the Ogden suits should be dismissed; there were three; I asked Mr. Peters to dismiss the suits, but he claimed he had not been directed by his superior officer to do so, but I understood he had; my understanding was that the final decree ended further pursuit of Church property; thought the government attorneys had the same understanding; did not suppose the powers of the receiver exceeded the scope of this suit, but that when the suit ended his power to pursue property did; there was not a lengthy discussion between the attorneys for the government and Church respectively about pursuing property after the final decree, but I had a conversation to the effect with Mr. Peters and stipulated with him, that the statement of facts and final decree were to be deemed an end to the proceedings, to which he assented.

To Judge Judd—I believe the Church turned over all the property it had, and some it did not own; I don't believe the Church has any property now; it is poor.

To Mr. Varian—The reason why we gave up the properties we did was because we feared decisions against us in the lower courts, necessitating appeals to a higher, and we preferred to get a final decree and carry the whole case to the United States Supreme Court; all its property was in the hands of a receiver, or in jeopardy, and the situation the Church was in, for many reasons, made it desirable to have the litigation ended as soon as possible; these are among the reasons why the Church gave up the property it did, much of which I have always held the government could not have recovered.

To Mr. Richards—One great reason why the Church turned over the doubtful property was because it relied greatly on the unconstitutionality of the law, and would be turned back again.

To Mr. Varian—I presume the Church obtained by donation from its members the money with which it bought the properties it turned over, and which it did not own; I don't know who would be more likely to be able to tell all about these matters than Mr. Winder; don't know whether or not the President of the Church could tell about them;

don't know definitely who had charge or a full knowledge of that business; John Taylor was trustee of the Church, but since his death and the dissolution of the Church, there has been no such officer; Wilford Woodruff did not succeed to it; there is no officer now to sign a deed in behalf of the Church; the business affairs of the Church are in an uncertain condition.

To the Commissioner—It was the agreement that the property named in the statement of facts, or the price for which the Church had sold it, should be turned over to the receiver and deemed all the property the Church had; the titles to the tithing properties in various parts of the Territory were talked of between the Church attorneys and Mr. Peters, and it was understood that they, and the Temples, should not be deemed Church properties; the government attorneys were fully advised in relation to the tithing properties in the various Stakes, and the Temples, before the statement of facts was agreed to; after the final decree, Mr. Peters said he would not dismiss the Ogden cases because he had not been instructed in writing to do so, though he said he understood they were to be dismissed.

Judge Judd remarked: A statute of the United States forbids a district attorney to dismiss a civil suit planted in the name of the United States without written authority.

In answer to questions by the commissioner, the witness stated emphatically that the government attorney understood that the pursuit of properties would cease, and that neither the receiver nor his attorney had anything to do with the preparation of the statement of facts and final decree; neither had they anything to do with the \$75,000 compromise; the Ogden cases are still pending; it was stipulated that they should remain *in statu quo* until the United States Supreme Court should determine the main suit; I think one of the suits involves the title to tithing property; on one occasion when I asked Mr. Peters to dismiss the cases, he said he would first like to confer with the attorney for the receiver, Mr. Williams, who objected; the suits regarding the disputed properties in this city have rested on stipulation to remain *in statu quo* until the final decision of the United States Supreme Court; they are pending on motions to dismiss.

To Mr. Williams—Talked with you about dismissing the Ogden suits soon after the final decree was made; then learned that we differed in our views regarding the matter.

Mr. Richards was recalled and questioned by Mr. Varian—I in Washington, the government attorneys agreed that the turning over of all the properties named in the statement of facts, should be deemed to dispose of all the suits except the main one, which had been brought by the receiver or the government; when I spoke to Mr. Peters about dismissing the Ogden suits he said he was in a hurry but could do it later; the agreement to dismiss the suits was made in the presence of Solicitor General Jenks, Mr. Peters,