

heard in court—I notified Mr. Sprague that he must not close his examination, nor file his report, by reason of the fact that Mr. Hobson could not be present. I also stated to the court, and asked them to adjourn the hearing of the matter until a later day, because Mr. Hobson could not be present.

Q.—Did you communicate with any one about his being present at a later date?

A.—Yes, sir; I received a telegram after that, dated November 19th. My impression is now, to the best of my recollection, that after the 17th I again telegraphed the Attorney-General, urging him to send Mr. Hobson here on the 28th; and in reply—

Q.—(Interrupting)—In reply to that you got this telegram?

A.—Yes, sir.

Judge Powers—(Reading)—“Received, Salt Lake, 10:30 a. m., November 19, 1888. Dated Washington, D. C., 19. To U. S. Attorney Peters, Salt Lake, Utah.—State fully by letter necessary for Hobson's presence on 28th. A. H. Garland, Attorney-General.”

Q.—Did you communicate with him the necessity for Hobson's presence?

A.—Yes, fully, by telegram and by letter.

Q.—Have you a copy of the telegram that you sent?

A.—Yes, sir.

Q.—That is a copy, is it?

A.—Yes, sir, that is a copy, I think, made at the time it was sent away.

Judge Powers (Reading)—“November 19th, 1888. To Honorable Attorney-General, Washington, D. C.—Necessity for Hobson's presence 28th is: My interest by reason of my claim against fund in hands of receiver, for services rendered him in prosecuting and managing trust. Have written fully; but afraid it would get to hand too late. This is the reason I should not be asked to represent the interests of the government.—PETERS, United States Attorney.”

Q.—Have you a copy of what you wrote him?

A.—Yes; I wrote him at the same time.

Q.—Is that a copy of what you wrote him?

A.—Yes, sir.

Powers (Reading)—

CLERK'S OFFICE,

FIRST DISTRICT COURT,

PROVO CITY, Utah, Nov. 18, 1888.

Hon. A. H. Garland, Attorney-General, Washington, D. C.

Sir—Your telegram of today, asking me to state fully by letter the necessity for Mr. Hobson's presence at Salt Lake on the 28th of November, has been forwarded to me here.

The necessity, in my judgment, is this: As you have heretofore been advised, subsequent to the appointment of the receiver in the Church case I was employed by him, with your consent, as one of his counsel. From the time of my said appointment up to the present time I have acted in that capacity, having as an associate Mr. Parley L. Williams. The Supreme Court, on last Satur-

day, by reason of the absence of Mr. Hobson, postponed the matter of fixing the compensation of the receiver and his counsel until November 28th, at which time that matter will be up for final hearing and determination. I have a claim for my said services against said fund in the hands of the receiver. In my judgment, there should be someone here to represent the government in the matter of fixing my compensation. The court is of like opinion. I know of no way to obviate the necessity of Mr. Hobson coming; unless the government either sends some other person or Mr. Hobson, who is well informed as to the character and amount of work done by me, will suggest to the court the amount of compensation for my services. I should be satisfied with an amount named by yourself or by Mr. Hobson. If this were done, it would still be embarrassing for me in the matter of fixing the compensation of Mr. Dyer and Mr. Williams, by reason of my intimate associations with them in the performance of the work done.

I hope, therefore, that you will direct Mr. Hobson to be here on the day above mentioned. I have already forwarded to Mr. Hobson the testimony taken, which fully shows the amount and character of the work done by the receiver and his counsel.

Very respectfully,

GEORGE S. PETERS,

United States Attorney for Utah.

Q.—You had forwarded to him, as stated, the testimony that had already been taken before the examiner?

A.—Yes, sir; copies of it.

Q.—In time so that, in due course of mail, it should be received by him before the session of the court?

A.—O, yes.

Q.—Now, did you receive any reply to this letter?

A.—The only reply that I received was, I think, Mr. Hobson stated that he would be here, and he came on the 28th.

Q.—He was here on the 28th?

A.—Yes, sir.

Q.—Mr. Peters, when was the final decree entered in this case?

A.—Some time in October, 1888; I don't know what day; I think it was on the 6th.

Judge Powers—I have a copy of it here; I would like to offer that in evidence.

The Examiner—Do you want any reference to the decree taken by the reporter, as an exhibit or anything of that kind?

Judge Powers—Yes, the final decree in the main case, on file in the court.

The Examiner—In the Supreme Court?

Judge Powers—Yes, sir.

The Examiner—Yes, you can find it right there.

Mr. Peters, continuing—I notified Judge Sprague of the delay necessary, and also informed the court; Judge Sprague did not close the examination, owing to Mr. Hobson's being unable to attend; I telegraphed to the attorney-general to have Mr. Hobson come by Nov. 28; he re-

plied asking me to state by letter the necessity therefor; I did so, giving my reasons, as I had been employed for the receiver. Mr. Hobson came on the 28th; the final decree in this case was entered October 6th, 1888.

A. B. JOHNSON,

formerly a reporter for the *Tribune*, was present in court on July 9, 1888; had an idea that considerable talk followed the reading of the petition for compromise; a great deal was said about cash values

JAMES JACK

testified—I remember the mortgage held by Zion's Savings Bank on Beck's Hot Springs; the Church, as a church, has no interest in the bank.

BENJAMIN RAMSDELL

testified—I live at Logan, and am the man who subpoenaed Thomas House; he gave me a written statement of what he would testify to, and I gave it to Zane & Zane. Mr. Zane came to Logan and sent for me, and asked me what I knew about the Church case; I was paid money at that time, but never gave anything to House; said he would be paid as a witness; told him that he would be well paid; Mr. Zane hired me to try and find out what cattle there were on the Oxford ranch; I got a subpoena from Goodwin at Logan, who told me to go and see if House would come on that.

An adjournment followed at this point.

#### THE PROSECUTION.

or the petitioners, resumed the taking of testimony on the morning of Feb. 8, the first witness being

JOHN R. MURDOCK,

who testified—I am President of Beaver Stake of Zion; am acquainted with the property there; the Church have no buildings there; the Stake Church Association has real estate there; it obtained it about sixteen months ago; prior to that time the property had been used by the Church as a tithing yard; there is a small brick building, a barn, and some smaller places; the lot is 12x12 rods; the property on the lot at the time the association received its deed was not turned over; I held the title before the association; in the spring of 1887 there was some grain there, which was sold; the title to the real estate was in me, but not as trustee; I acquired the title and held it for the benefit of the Church; it is worth about \$1000; it is a corner lot—they are all corner lots in Beaver; on March 2nd there were about 15 tons of hay and 500 bushels of grain on hand at the tithing yard; an inventory of the property was taken about that date; when the property was transferred to the Stake Mr. Farnsworth took charge. (Mr. Critchelow read from a memorandum of the property transferred by the Church to the Stake Association, the items of which the witness stated were probably correct, but he could not say, as he had nothing to do with the property; according to his own ideas, some of the items