

A F F I D A V I T

STATE OF UTAH)
 : ss.
COUNTY OF SALT LAKE)

Henry C. Lund, being first duly sworn deposes and says:
That on the 7th day of October, 1919, I was judge of the Criminal
Division of the City Court of Salt Lake City; that on said date the
case of the State of Utah vs. B. H. Van Housen and A. O. Frank
was tried before this affiant; that the State was represented by
Attorney F. W. James, who on said date was a deputy in the County
Attorney's office in Salt Lake County; that the defendants were
represented by Christensen & Ramage; that Max Rosenblum, J. E.
Woodward and J. A. Egbert were sworn and testified on behalf of
the State; that the defendants were sworn and testified in their
own behalf; that the case was argued at length; that after hear-
ing the evidence and the arguments of counsel this affiant sitting
as a committing magistrate was convinced that no crime had been
comitted and promptly ordered the case dismissed; that at the
conclusion of the hearing this affiant was not only convinced that
no crime had been committed but also was convinced that the facts
had been misrepresented to the County Attorney's Office, and that
some personal grudge against the defendant, A. O. Frank, was the
motive underlying the prosecution; that this affiant a few days
after the defendants were discharged discussed the case with Mr.
Hartley, who was the County Attorney of Salt Lake County, and
with Mr. James; that after a conference with these attorney's
both Mr. Hartley and Mr. James expressed the believe that the con-
clusions reached by this affiant were correct, and they stated to
this affiant that if all the facts had been presented to them be-
fore the complaint was issued, that they would not have approved
the issued of a warrant upon the complaint.

That this affiant has been informed that this prosecution
is being held as a black mark upon the character of Mr. Frank; that