

presented to be passed on. It is the universal rule to wait till the whole account comes in, and this account should be deferred till that time.

As to the compensation of Caleb W. West, Jr., as clerk, while the receiver at the same time had a competent book-keeper, we object to that, and your honors can judge of it by inspection. We also object to the payment of watchmen over real estate, for which there was no necessity. The item of stenographers' reports we also object to in part; we object to allowances for personal services to the receiver, but not for services in the main case.

The sum of \$10,000 each is reported as for attorneys' fees. My argument on the receivership will apply to this. Mr. Peters has, however, withdrawn from the service of the receiver, in which he was for one year. I think he should be allowed a sum in full payment for his services, as your honors may decide.

As to Mr. Williams' compensation, I think the sum of \$10,000 at present is too large. I am willing that he should be paid a reasonable amount, and when the case is decided his full compensation may be passed on. His services have been important, but they are to a great extent unfinished. If it should turn out that the receiver's counsel as well as government counsel have been wrong, that should be taken into consideration. If you decide that any disbursement should be made, he should receive but a fair sum on account. The sum of \$10,000, however, I think, is entirely too large. The attorneys for the D. & R. G. W. received but \$5000 to \$6000 per year. In Colorado, for their entire services in the receivership of the D. & R. G. \$75,000 was the full amount paid.

This matter, personally, is to me a disagreeable one. I dislike to object to the allowances asked, but it is a duty which I owe to the parties in this case, and notwithstanding my personal friendship, I must assume this position. I have now discharged my duty, and the responsibility must rest with your honors to distribute these large sums. I have no doubt you will do what you think right in the matter.

Judge Boreman inquired whether Mr. Hobson would like to be heard on the report of Judge Harkness.

Mr. Hobson replied that he would not be able to come to Salt Lake again till March. He did not think it necessary for him to be present, as the matter was in the hands of attorneys appointed by the court.

Mr. Williams said he desired to call attention to the examination before Judge Sprague, to take testimony touching the services of the receiver and his attorneys, with a view to fixing his compensation. The examiner had made his report and recommendations to the court. His recommendations are not final, but are for the enlightenment of the court. It has been said by fault-finders that that was an *ex parte* examination, but the history of the case will show that such was not the fact. The testimony was generally based on the services actually

performed by the receiver, the difficulties of the case, and the circumstances under which the property was recovered. Except in one instance, hypothetical questions were not put to witnesses. Those who testified were among the foremost business men in the Territory. The court is not bound by the testimony, but it was taken for the enlightenment of the court. As to the compensation of counsel for the receiver, the testimony of four leading attorneys was taken—Messrs. McBride, Bennett, Kirkpatrick and Brown. At the examination, Mr. Dyer said he believed \$25,000 an appropriate sum, and the defendant's attorneys did not resist this claim. There was some theatrical display on the part of counsel for the defendants, and they withdrew from the examination. To this is due the assertion of the *ex parte* character of those proceedings. Other counsel for the defendants took part in the examination and cross-examined witnesses.

Recess was taken till 1:45 p. m.

In the afternoon Judge Powers said he wanted to reply to Mr. Hobson, but the court had not time. It was finally agreed that Mr. Hobson's argument should be presented in the form of a brief, and Judge Powers was to present his views in similar shape.

The court adjourned till Monday, Feb. 18, at 10 a. m.

RULES FOR BARBERS.

ONE of the interesting things which the German papers have been writing about lately is the establishment of a code of barbers' ethics. It appears that some time ago a call was issued for a congress of barbers to assemble at Berlin. Four hundred of them responded, and there was a great and interesting meeting, which lasted three days. When they adjourned they had formulated a code of trade ethics, which is well worth the attention of their American brethren. Here are some of the new regulations. In future the operation of shaving must invariably begin on the left cheek, and the old style over there of applying the lather to the face with the hand must be stopped and brushes used for that purpose. No barber will be permitted to remain a member of the association who persists in holding a customer by the nose while shaving him. To their everlasting credit be it recorded that a majority of the congress decided that, in so far as talking to customers was concerned, a great reform was necessary; therefore they decreed that barbers should confine themselves to the careful shaving or hair-cutting of their patrons, and not allow their tongues to ramble during the operation over the domain of politics, commerce, philosophy, literature, and the arts. Still, the congress has left a loophole for escape, since, on motion of a Hamburg barber, it was resolved that an observation on the weather, by way of greeting or farewell, would not imperil an artist's standing in the association.

THE DYER EXAMINATION.

Marshal Dyer was not present at the examination Feb. 11, having gone to the election at Ogden. Mr. Peters was also absent.

R. N. Baskin appeared, and stated that he desired to ask Mr. Williams a question, but on a whispered consultation with Judge Powers the inquiry was not made.

A. S. KENDALL,

of Salt Lake City, testified—I resided in Nephi prior to 1876; am in the book and stationery business, and also a sheep owner; the outlook in the sheep business last fall was anything but bright; I purchased average sheep last August at \$1.25 and \$1.50 per head; saw some of the sheep turned over to the receiver at Centreville; I looked at them with a view to leasing; they were below the average; I considered the proposition for leasing them for one year; think the sheep might be worth \$1.50 per head, and I would have paid a rental of 18 cents; I made that proposition to the receiver; he thought he could do better, so I did not lease them; I think 18 cents would be a fair cash rental for one year for 25000 of such sheep, scattered in 30 or 40 different places in the Territory, to a responsible man.

To Judge Marshall—If he was not a responsible man it would make a difference even though he were honest; in that event he would pay if he made it, and if he did not he could not pay; I have 1700 sheep out on shares; I get two pounds of wool and twelve lambs, and the old stock kept good; know the situation of the tithing yard at Nephi: it is worth about \$1500 or \$2000.

To Mr. Williams—I do not know who holds the title to the tithing yard.

M. K. PARSONS

was recalled and testified—On October 1, 1888, a fair equivalent in cash for two pounds of wool and ten lambs on the hundred would be 40 to 45 cents per head; the increase comes out of the average of the herd.

P. L. WILLIAMS

was recalled, and to Mr. Baskin said—The receiver was appointed in November, 1887, and employed me as his attorney almost immediately after; I think he spoke to me before he executed his bond; he employed Mr. Peters afterward; how long I do not now remember; I don't know how his employment came about, but it was shortly afterward.

Judge Powers stated that he wished it made a matter of record that the attorneys appearing for the other side were, in addition to Judge Marshall and Mr. Critchlow for the Court, Messrs J. M. Zane, F. Stevens, R. N. Baskin, and C. O. Whittemore.

Mr. Zane said he did not appear in the case. Mr. Baskin stated that he merely appeared by courtesy of counsel.

MR. WILLIAMS

continued his testimony. The chief duty of the receiver was to take into his possession the Church property;