

claim that they have proven certain facts. The attorneys for the court have been fair and courteous, and at the same time have ably and completely performed the labors upon them. I claim that there is not a scintilla of evidence which goes to show gross negligence, or that the court was misled. The petition for compromise set forth the claims of both parties; therefore the court could not possibly have been misled. There was grave doubt as to whether the government could have recovered one cent. Upon this state of things the advice of the court was asked. That the court was not misled is shown by the testimony of Justice Boreman, who stated that he never understood that full value was being received for the property. There was no misstatement of facts by anyone.

In view of the testimony given in this case, the receiver and his attorneys are entitled to credit for the compromise, for they certainly got the large end of the bargain. The receiver acted under the advice of his counsel; if he had gone contrary to this advice and gone on with the suits, and the titles been sustained, as I believe they would have been, he would then have been open to the charge of misconduct in office, but the present situation presents an entirely different view.

As to the renting of the sheep, the contract is shown to be a fair contract for the receiver. The evidence of the best men shows that the rental was fair for the grade of sheep, under the circumstances that existed. The band of 25,000 was leased at this rental to a responsible man. He was in a position that he must lease within a short period of time; if he had held for higher prices, and failed in doing so, or had leased to irresponsible parties, he would have been open to the charge made against him, but cannot be made so under the course he did pursue. The testimony given rebuts every insinuation of negligence.

We have met and overwhelmed every insinuation of lack of business ability and proper care in this matter. But the charge was that there was collusion; that there was a fraudulent contract; in short, that Dyer was dishonest. There is not a scintilla of evidence to indicate anything of the kind. There is not a trace of bad faith in any part of the transaction. The charge was that Pickard and Dyer combined to the injury of the fund, and the charge has been disproved. There was nothing on which to base it.

As to the \$288,000 worth of property that was compromised for \$75,000, it is stated that the receiver made no proper search for that property. The question of confiscation of Church property was under public discussion. The Church was thus notified of the efforts that would be made. It is a matter of history that there are few people who have been more faithful to their own interests than have the "Mormons." Is it to be supposed that under this condition the property would be

gathered together so that it could be seized by the receiver? Not for a moment. On the contrary, the Church was preparing for the struggle, while the government was publishing from the housetops that it was going to take the Church property. To meet this the Church disposed of its property on a secret trust. The "Mormons" show they are willing to trust each other to the full extent. I doubt not there is property on secret trusts that is as yet unheard of. The Church agents were ready, and before the law passed they made their assignment of property held for the people of the Stakes. The government waited for months, so the people had time to get rid of the property.

Away in the fall a receiver was appointed to gather property which every one knew had been expended. Some of this property was inventoried at far above its actual market value—at tithing prices. There was molasses, honey, wheat, flour, butter, potatoes, hay, etc., and some office furniture. Nearly \$200,000 of this property was perishable, while the actual worth of much of the remainder was far below its listed value. Suppose the receiver had commenced a lot of suits for property that could not be found, and that was worth nothing if it could be, would there not have been just reason for a cry of wasting the fund? This property is not the best but 50 per cent of the inventoried value, turned over long before the suit was commenced. There was \$14,500 worth of sheep in the inventory. The receiver has secured \$45,000 worth, and should receive a credit of \$30,000 gain, counting the sheep at \$1.50 per head.

There was a question as to the legality of this proceeding for escheat of property, and Chief Justice Zane rendered a dissenting opinion to the effect that the receiver was not warranted in his manner of getting the personal property; yet they come now and say he has not done enough in this same line. The receiver employed P. L. Williams, and there is no man here who would even suggest that he could be swayed from his purpose for any love which he bears for the "Mormon" Church. There have been many charges but none go to that extent.

The receiver was advised by his attorneys, and by the highest law officer in the land to accept the compromise, and he did so—the only proper thing for him to do. Over \$750,000 in property was secured, while if the plan suggested by the other side had been followed, not \$100,000 would have been taken. The receiver had to face 200,000 people united as a solid wall, who declined to answer questions till compelled to; who gave away nothing but retained everything. The fact that the highest law officer in the government approved this compromise is sufficient answer to these charges, and it does not lie in the mouth of any man here to say that the government was mistaken; if they do they had better investigate the government.

The charge is made that the receiver has "hobnobbed with undergrounders," and it has been shown that there never was anything of the kind. In this investigation no new property has been discovered. The final decree permits the receiver to go on and gather any property there may be.

It was a harsh proceeding to make this confiscation act. I desire to say right here, it never met with my approval, and, I think, not with the approval of the majority of the Gentile community here. It is un-American. A man has a right to that which he earns, or to give it to a charity, a hospital, a church, and no one has the right to say him nay. To say that this government can take his money and use it for a purpose for which he did not intend it, is tyranny. It is an unjust law, and has done more to injure the Gentile cause than the Mormon Church ever has done. It has given a chance for that people to say that our chief object is plunder and robbery. I don't care whether the incorporation is legal or not, the government has no right to take this property. The Mormons wrested it out of the soil; it is their's, and no one else's.

The government could have done no less, in view of the doubtful nature of this proceeding, than test the constitutionality of the law. If it is not constitutional that matter should be made known, and every dollar returned to those whose it is.

The screws were applied to this people. They were between the upper and nether millstones and were being ground to powder, as it were. They were crowded and crowded down, and compelled to accede to the terms of the receiver, who secured his pound of flesh. He got sheep and cattle to the amount or tens of thousands of dollars that by the process his assailants suggest never could have been secured.

There is absolutely nothing to show gross negligence on the part of the receiver, and instead of him hounded and scandalized by those who desire to take the property of the Church, they should feel grateful to him for taking \$750,000 worth of it. He has performed his duties fully in that regard.

We are a peculiar people here. Secrets here are all open secrets. Everybody knows everybody else's business. We have able newspapers who do not hesitate to say what they mean and are not mealy-mouthed with their expressions about public officers. A man who lives above criticism here must either be an angel or depart to another clime, or he must be an idiot.

The *Tribune* at the time the compromise was made, commended the vigor of the receiver, saying he had forced the Church to its knees. (Judge Powers read an article from the paper named, describing and applauding the energetic manner in which the receiver had seized upon property alleged to have been owned by the Church.) It was a surprise to them that the receiver got so much property, and now the same parties say that he did not take as much as he should have done.

As to the charge of gross and un-