Openshaw, offered to remit the costs and interest, and have the judgment made for $5000. It was necessary that the amount should be over that figure for an appeal to lie to the higher court, and they wanted to avoid that tedious process.

Mr. Williams protested against the acceptance by the court of the offer.

The matter was taken under advisement.

THE LAND JUMPING CASE.

The suit of John H. Linck vs. Salt Lake City was the next to receive attention. This case is still quite fresh in the minds of our citizens as the notorious land jumping scheme of February, 1888, when John H. Linck, then of Colorado, and several others attempted to take possession of Capitol Hill, Agricultural Square and other public grounds belonging to the city. They were warned to leave, as the corporation was in possession of those properties, and on their persistent refusal they were ejected by the mayor and a posse, though without violence or a show of arms. The scheme of the land jumpers was then and is today regarded as an outrage upon the inhabitants of the city. The matter was brought before Judge Zane, and in the suit of Linck vs the city, the legal points were fully argued. The Judge made a ruling which was received with approval by all classes of the community, holding that, as the corporation was shown to be in actual and legal possession, and the jumpers were making a forcible entry upon the land, the complaint filed did not set forth a cause of action.

This decision was appealed from and held in abeyance until the present term of court, when it was argued and submitted. Today Judge Judd delivered the opinion of the court, beginning by a recital of the facts connected with the securing of the patent; then followed a summary of the statements of the complaint regarding the holding of the land by the city, and the efforts of Linck and his employes to gain possession of the property. The court then said, upon what ground the court below rendered a decision we are not informed by the record, but the demurrer to the complaint alleges that sufficient cause of action is not shown, and this demurrer is sustained by the court. The provisions of the law relating to the case were then quoted, and the court said that the statements in the complaint were barely sufficient, yet they set forth a state of things that entitled Linck to an execution of the trust in his favor. The court would not pass upon the right of Linck to the land, but thought that the demurrer did not meet the allegations and that the court below erred in sustaining it. The decision of Judge Zane in this regard was accordingly reversed.

The case will therefore come up before Judge Sandford for hearing, and a full representation of the true facts and inwardness of the case should be made for the city, that the corporation rights may be protected.

THE ZANE-RECEIVER CASE

On Feb. 21 the following occurred in the Territorial Supreme Court:

Judge Sandford—The matter of Referee Sprague's report, under our consideration at the last court, was left unfinished until the coming in of the report of Examiner Harkness. That report, I understand, has been filed, and the court will now hear a motion on the subject.

Judge Powers—I desire on behalf of the respondents in the case that has been before Examiner Harkness, to move the confirmation of the report which was filed on yesterday. I am not aware that any exceptions have been filed. There have been none served upon us.

Judge Marshall—I do not know what duty exactly rests upon us in this matter. The facts established in our view are set forth in certain findings attached to the report. If the court is of opinion that any further duty rests upon us we ask for time to file exceptions. I am not, however, aware myself that such duties do rest upon us under the former order of the court.

Judge Judd—We cannot decide that question, but must leave it for you attorneys to settle yourselves. We will consider your request. The finding is in the nature of a challenger and you can take such a course as you think best. We will either hear you now or give you additional time to prepare such exceptions as you choose.

Judge Marshall, after a short consultation with Mr. Critchelow, said —We will ask the Court to grant us until tomorrow morning, or any time it desires. We have access to the report.

Judge Sandford—Will Saturday morning be soon enough?

Judge Marshall replied in the affirmative.

Judge Judd—I would suggest to you, Brother Marshall, that you may save yourself much labor if you were to file an exception in the action of the referee in not finding as you asked.

Judge Powers—Under the action taken by the Court, the attorneys are somewhat in doubt as to what course the matter now takes. The matter of compensation having been deferred until the coming in of this report, and the two questions being somewhat intimately connected, the discussion of the one, as we look upon it, involving the consideration somewhat of the other, from our side. However, if the Court thinks——

Judge Sandford—We will hear your argument upon it before we decide.

Judge Powers—Will you hear us this morning, then?

Judge Sandford—Yes, on the Sprague matter.

Judge Powers—The suggestion I made was that the two matters were so intimately connected, and as they give notice to except to the conclusions of Examiner Harkness, we could discuss them both at the same time, and within about the same length of time, I believe.

Judge Sandford—You have to answer the objections to that report made by the government. We can hear you on that phase of the feature of it today.

THE COMPENSATION QUESTION.

Judge Powers then began his reply to the argument of Mr. Hobson, at the court session last week, against the compensation suggested for the receiver and his attorneys. He said that, after the entry of the final decree, which he considered gave to the receiver power to continue to pursue property, it had been suggested that compensation be fixed for the receiver and his attorneys. This was referred to an examiner, who had reported in favor of a certain amount. This report they asked to be approved. Judge Powers then paid a high tribute to Judge Sprague's character, which he declared was never tarnished by a breath of suspicion.

It is contended that the court has not power at this time to grant compensation; that the constitutionality of the law is now being considered, and if decided adversely to the government, the property would all have to go back to the defendant. It has been admitted, however, that necessary expenses could be paid. And why not the compensation of the receiver and his attorneys, which is a part of the necessary expense of the suit? This court had already said the act is constitutional, and it is simply on appeal. Every presumption is in favor of the court below. The court below might have said, this law takes a large amount of property from a church; that movement is of doubtful constitutionality and we will not act fully until that point is determined.

Judge Judd inquired whether the ground of the appointment of the receiver was not the danger that the government thought the Church would get rid of the property.

Judge Powers replied that the ground of the appointment of a receiver was that the corporation was dissolved, and there was no one to take charge of its property. He then continued his argument for the adoption of the report.

Judge Judd asked whether it was desired that the compensation be fixed and ordered paid, or that it be only fixed.

Judge Powers said that it was desirable to have it fixed and paid. He thought that Mr. Hobson's argument was based upon something that had no existence. It was on a fear that the act might be declared unconstitutional. If that question was entitled to consideration it shoud have been thought of when the court held the law to be valid, and not be made the matter of a doubt now. Judge Powers argued that the matter of compensation was fully within the jurisdiction of the court, and it should be fixed. The testimony upon which Judge Sprague reported was that of leading business men, and the full amount suggested should be paid.

It had been alleged that the amount was unconscionable, but he did not see it in that way. There has not been a receiver appointed in the history of the jurisprudence of the United States whose duties were