

more delicate and responsible than in this case. He entered upon duties which, to say the least, were distasteful to the great majority of the people of this Territory. When he assumed the responsibilities of the office and filed bonds of \$250,000, guaranteeing the just performance of his duties, as he looked about him he faced a solid wall of 200,000 people who were opposed to him in the prosecution of these duties. I say here in this court that there is no more perfect organization upon the face of the earth than that of the Church of Jesus Christ of Latter-day Saints—an organization which was antagonistic to the receiver. When it moves it moves as one man; when the heart of the centre beats the pulsation is felt in Arizona, in Idaho, and in Colorado. It is an army in civil life, governed by 28,000 office holders. It is an organization that this receiver and his attorneys were compelled to face, and whatever they got, they had to wrench little by little from it by strategy and by force; and therefore to say that the responsibility placed upon that man was nothing, and that it might be compared with the responsibility which rests upon the shoulders of the manager of a railroad company is to say something that we should not believe here; and which those who know and who have felt the power of this organization know not to be true.

Why, the man who acts as receiver for a railroad company takes his position in the office and finds at his disposal all the various sub-officials of that great system. He issues his general directions, signs his cheques and his orders, and at his beck and nod are a thousand, or two thousand, or five thousand men who perform their duties as perfectly as the intricate wheels of the clock. The receiver who entered upon his duties in this case had nothing to guide him; his duties were anomalous; he was to search out and secure property which was to bring upon his head more or less condemnation; it was to expose himself, by the one side or the other, to the shafts of slander and calumny that were as certain to fall upon him as the sun is certain to rise over the mountain tops tomorrow; for in this country where the feeling is so intense, where each side believes they are right, no man can stand between and fail to receive the darts that will be hurled at him by those who desire to carp and criticize. Does the receiver of a railway company place himself in such a position as that? And if he does not, is not the responsibility upon Mr. Dyer far greater than it would be upon a receiver of the Union Pacific Railway? I insist that it is; I insist that this is a matter of common knowledge. These matters which I have suggested are matters of history, which have come up here before the court now and then. Can it be said that the duties assumed by the receiver in this case did not place him in a responsible position?

It is impossible for a man to satisfy both sides in Utah. He has to

go through a certain scarifying process to make his skin like the hide of a rhinoceros before he can sleep well at nights, if he has been imported in here from the east, where people talk and act differently, and treat people differently. It may be a good thing that people are watched and criticised in that way; and when a man took this position which Mr. Dyer did he was placed upon a pedestal where the whole Territory could see him, and where his every act was bound to be criticised. I can tell you, that with all these things to meet it was no perfunctory position. A man to do this work must be a general; he must lay his plans, and carry on a warfare for the property that must come into his hands. Congress had passed a law, and after a delay in order to give this people, who never betray each other, an opportunity to take means to protect their property, which they had not gathered for the purpose of turning over to the receiver. They did not hasten to turn their property over to him. The receiver proceeded with his attorneys to unearth property, and discovered that it had been distributed.

Judge Powers then went over the same ground as he did before Examiner Harkness, in regard to the variety of property.

Judge Judd—Any butter and eggs?

Judge Powers—Butter and eggs? Yes; and pork, and molasses, and honey, and a hundred other things, which this court, if it had been in the auction business, wouldn't have given 30 cents on the dollar for. The receiver began pursuing it but found it was disbursed. There was property discovered, however, in the way of stocks, etc.; but this proceeding was so doubtful that the Chief Justice gave an opinion that the receiver was not justified in the seizure of that property. Finally a compromise was agreed upon, by which the receiver got \$25,000 more property than the Church had at the time the property was seized upon. There is no doubt but the enforcement of the law and the receiver's energy brought about the compromise.

The property was turned over to the receiver and the case appealed. The receiver had not filed the courts with law suits, but he had secured property that would have been lost by the suits. You might as well go out duck hunting with a brass band as for the receiver to have announced to these people that if they didn't bring in their property he would sue them, as has been suggested! Why, his suits would have amounted to nothing, because the property would have been got out of the way. He was not placed in office to flay and torture this people, but to be fair between the two parties to the litigation. We are not seeking to grab from the fund; we only want fair pay for what has been done, and will be satisfied with the order of the court. If we can only be paid up to the present we will be satisfied. "Sufficient unto the day is the evil thereof." The Church has been defeated at every

point by the receiver and his attorneys, and it was not represented by cheap lawyers, either, but by able men.

Judge Powers then turned his attention to the objections made by Mr. Hobson to certain expenses of the receiver's office, and after showing the necessities of such expenses, closed his argument.

JUDGE M'BRIDE

then followed in an argument on the legal points raised by Mr. Hobson against allowing compensation, taking the opposite position.

Considerable interest was awakened in the session of the Territorial Supreme Court on Feb. 25 in anticipation of the contempt proceedings against the school trustees who signed the charges against Receiver Dyer and his attorneys. All of the parties interested, and their attorneys, were present, with the exception of Captain T. C. Bailey, who is laid up with inflammatory rheumatism. The session was taken up, however, with arguments, the groundwork of which has been gone over so frequently of late as to deprive them of any particular interest. The matter of the report of Examiner Harkness was called up immediately after the opening of the court, and Judge Sandford said—In the matter of the receivership, the court will now hear counsel on either side.

MR. CRITCHELOW

took up the findings requested by the counsel for the court, in the trustees-receiver controversy, and commenced his argument against the action of Examiner Harkness in declining to accept those findings. He reviewed the appointment of the examiner, and the progress of the investigation. He complimented the course of Judge Harkness in the case, saying it was such as could have been expected from an honest, upright and able lawyer. The counsel for the court took exceptions to the conclusions of the examiner in some respects. One of these was in regard to the finding that the court was misled. The examiner had found that but one member of the court, Judge Zane, had been misled, and that unintentionally.

Judge Judd inquired whether the facts showed that the compromise was or was not fair and just.

Mr. Critchelow said that from his standpoint the compromise was a fair and reasonable one from the circumstances as they existed—that is, as related to the real estate. As to the personal property, they would have more to say. Mr. Critchelow said there had been some difference of opinion as to the scope of the order. In the view of the examiner the investigation was limited to fraudulent and unconscionable claims and charges; in this respect the counsel for the court had differed from him, and asked findings accordingly.

As to the matter of leasing of the sheep, it was the view of the counsel of the court that the examiner should have found that the receiver had been negligent. This he had refused to do. A reason to be assigned