

for the receiver's negligence was that he had given no public notice of having the sheep to lease; there was no claim that he acted in bad faith. He had, however, let 25,000 in one lot at figures much lower than could have been obtained had he placed them in smaller lots.

The failure of the receiver to take into possession certain personal property was an allegation of the complaint. The counsel for the court thought this allegation had been sustained, notwithstanding the finding of the examiner on this point. The cattle that had belonged to the Church had not been sought by the receiver, and their turning over by the Church was a voluntary act. Mr. Critchelow reviewed at length the character of the personal property, and urged that the receiver made insufficient efforts to obtain it.

Judge Judd asked when the right to seize the personal property vested—whether it was at the time of the passage of the act, or when the judgment of the court was rendered?

Mr. Critchelow replied that he could not say as to that, but the receiver claimed a right to the whole \$268,000.

Judge Boreman asked whether it was agreed that this property was held by the Church at the time of the passage of the law, or had been transferred.

Mr. Critchelow answered that it had been transferred, and continued his argument to show that the receiver had been negligent.

There was a further claim that there was real property in various parts of the Territory, held on a secret trust for the Church, which the receiver had negligently failed to make efforts to secure. The counsel for the court thought this had been proven, and that by the final decree the United States was stopped from pursuing this property. This he alleged was due to neglect on the part of the receiver, in permitting the compromise to be made without first having endeavored to secure this property.

In reference to the alleged fraudulent and unconscionable claim of the receiver for compensation, Mr. Critchelow said that while there was no evidence of fraud as to his expenditures, yet there was fraud in one sense, in that he insisted upon compensation to an amount that he should not have named. This was more in reference to the manner of the claim than to the amount; that the receiver had magnified and unfairly stated his services, with the view of obtaining large remuneration.

Judge Judd—Mr. Critchelow, so far as the question of amount is concerned, you may save yourself further trouble, as that matter is reserved by the court.

Mr. Critchelow said they had deemed it to be within their duty, so far as the excessive and unconscionable claim was concerned. They regarded that the receiver had suppressed certain facts to such an extent as to mislead witnesses.

The argument occupied nearly two hours, and Mr. Critchelow closed

by saying that the counsel appointed by the court had spared no time nor means to make the examination thorough in all respects. The principal matter at issue was the compensation. If that was not involved in the investigation, then the receiver was right; if it was, then he was wrong in their view of the case.

#### JUDGE POWERS

followed, saying that he was thankful that the receiver and his attorneys at last had their day in court, and that their case could be fairly presented. The whole matter connected with this business is of a most extraordinary character; the law contemplated the taking of the Church property and converting it into other channels, because the legislators considered it was being used as a menace to the government. There was a delay before the suit was instituted, but finally a receiver was appointed to take charge of the property of the Church. He proceeded with those duties till a final decree was entered, without adverse criticism. Then for the first time the storm broke, and the insinuation was made that the officers of the court were corrupt, and the court itself incompetent to deal with the case. These charges were brought in by a man eminent in civil life—at one time an eminent member of this court. The charges were referred for investigation, but the reference became abortive. Another effort was made, but those who had made the charges retired from the prosecution. The court, then, for its own honor, appointed counsel, who conducted the investigation with honesty, energy and ability. The result was that the examiner had decided in favor of the receiver and his attorneys. Judge Powers then reviewed each of the allegations in the petition, and showed how they had been disproved by the evidence. He said that if the charges were true the receiver should be in the penitentiary and his attorneys be forever debarred from practice in the courts of the Territory. But the charges had been investigated in detail, and shown to be untrue.

Pending the conclusion of Judge Powers' argument, court took a recess till 2 p. m. This afternoon Judge Powers continued his argument in the line above indicated, pointing out that the evidence was plain that there was no negligence on the part of Receiver Dyer, and that the attack upon him was an effort to injure him personally, even to holding him responsible for alleged errors of his attorneys, while no credit was given to him for any work he had performed.

#### BOUND FOR THE ORIENT.

The writer of this left Salt Lake City four days in advance of the company of Elders he should have started with, on November 14, 1888, thus allowing time to visit relatives in New York and New Jersey.

At Paris four of us parted; three of us started for Switzerland, one of whom was bound for Palestine and

Turkey. The other (myself) was allowed by courtesy of President Geo. Tensdale to stop over at Nice, France, to call on other relatives not seen in eight or nine years, among whom, and friends, I spent one month; so much time, partly on account of interrupted steamship movement.

In Paris and Nice I spent many long and late hours—long winded ones they were—explaining and demonstrating some of the principles of our religion.

I found here, ready for a little more truth, a few persons of various beliefs, especially Spiritualists, Reincarnationists and those that follow somewhat theosophy, psychology, astrology, etc., among whom I had been educated four or five years, and to which persons, since my fellowship with the Church of Jesus Christ of Latter-day Saints, I had repeatedly imparted of my faith but, compared to theirs, great knowledge of the Gospel, by way of letters, books, pamphlets, periodicals both for and against "Mormonism." These I either gave them or merely loaned for circulation. Of Brother C. W. Penrose's "Mormon Doctrine," being very short, I made a translation a year ago, and also allowed it to go around. But a prejudiced person, calling it a pious imposition, has destroyed it, or holds it, so I can't recover it, as yet at least. The "rough" or first translation I have, however.

I had hoped, too fondly perhaps, to see it in print through the assistance of a publisher at Paris, a friend of my father, a very free man, but not enough so for "Mormonism."

France in general is, I think, a sterile field for Gospel harvesters, but personally I felt repaid manifold for my slight endeavors, as I suppose I relieved many dark prejudices, and even caused a little healthy curiosity, though perhaps a very little.

I have been asked if strangers could pass in or out of the gates of Utah alive, without the consent of the chief of the Church, or the Dan-izes; or if apostates were allowed to depart alive, etc.; and if the walls around Utah are so many feet high? Other ideas such as these sometimes arise: "Why do the 'Mormons' live all together in one great building or barracks? Why don't they have cities, houses and farms like other nations? Why do they keep their wives imprisoned in big seraglios or convents? Why don't they use horses, oxen, milroads, and machinery to work instead of using their wives for that purpose? Why do they fortify their towns unless to keep out Gentiles, and to keep the apostates or other entrapped strangers from getting out and 'giving it all away'?"

Sometimes it is hard to dispel these ideas all at once. Some would believe the contrary, and perhaps be disposed for more candid investigation if only some prompt denial be given satisfactory to their notions.

Brother C. R. Savage was original and gracious enough to present me at my departure with a large nicely assorted set of his notoriously well made, extra size photographs of