

# THE DESERT WEEKLY

PIONEER PUBLICATION

ROCKY MOUNTAIN REGION.

ESTABLISHED

TRUTH AND LIBERTY

JUNE 1850.

NO. 19.

SALT LAKE CITY, UTAH, SATURDAY, NOVEMBER 1, 1890.

VOL. XII.

## EARLY AUTUMN.

The country lanes are bright with bloom,  
And gentle airs come stealing through,  
Laden with native wild perfume  
Of balm and mint and honeydew,  
And o'er the summer's raidant flush  
Lies early autumn's dreamy hush.

In wayside nooks the asters gleam,  
And frost-flowers dance above the sod,  
While lapsing by, the silent stream  
Reflects the hue of golden-rod.  
That flower which lights the dusky day  
With something of the sun-god's ray.

The grapevine clammers o'er the hedge  
In golden festoons; sumacs burn  
Like torches on the distant ledge,  
Or light the lane at every turn,  
And ivy riots everywhere  
In blood-red banners on the air.

A purple mist of fragrant mint  
Borders the fences, drifting out  
Of fostering corners, and its tint,  
As half of cheer and half of doubt,  
Is like the dear delightful haze  
Which robes the hills these autumn days.

And strange wild growths are newly met;  
Odd things but little prized of yore,  
Like some old jewel well reset,  
Take on a worth unseen before.  
As dock, in spring, a graceless weed,  
Is brilliant in its autumn seed.

The cricket and the katydid  
Pipe low their sad prophetic tune,  
Though airs pulse warm the leaves amid,  
As played around the heart of June;  
So minor strains break on the heart,  
Foretelling age as years depart.

The sweet old story of the year  
Is spinning onward to its close,  
Yet sounds as welcome on the ear  
As in the time of opening rose.  
May life for all as sweetly wane  
As comes the autumn-time again!  
—[Harper's Bazar.]

## FINDINGS OF COMMISSIONER STONE

Supreme Court, Territory of Utah,  
United States of America, plaintiff,  
vs. The late corporation of the  
Church of Jesus Christ of Latter-day  
Saints et al. defendants.

To the Supreme Court of the Ter-  
ritory of Utah:

By an order of the Court made on  
the 13th day of July, 1890, the un-  
derigned was appointed a special  
examiner and commissioner in this  
cause, to examine the reports made  
by Frank H. Dyer Receiver there-

in, also all his vouchers, contracts,  
transactions, acts and doings relat-  
ing to his duties as such Receiver,  
and to make a full report to the  
Court of his conclusions of fact and  
law relating thereto.

In compliance therewith I pro-  
ceeded on the 1st day of September,  
1890, to take testimony respecting  
all the matters directed by said or-  
der, and from time to time continued  
such examination until the 18th day  
of October, 1890, when the same was  
completed.

During the examination the plain-  
tiff was represented by Charles S.  
Varian, Esq., as counsel; the Re-  
ceiver by Parley L. Williams, Esq.,  
Messrs. Sutherland & Judd and  
Arthur Brown, Esq.; and the de-  
fendant by F. S. Richards, Esq., and  
LeGrand Young, Esq.

As a part of my report I herewith  
return to the court, certified to by  
me, all the testimony taken in the  
proceeding, with the documentary  
evidence and exhibits offered by the  
respective parties and received in  
evidence by me. In the progress of  
the hearing, the counsel represent-  
ing the plaintiff offered in evidence,  
which was admitted without objec-  
tion, the testimony and documenta-  
ry proofs, exhibits, pleadings and  
proceedings in the examinations  
heretofore had under the order of  
the court by Special Examiners E.  
T. Sprague, Esq., and Robert  
Harkness, Esq. The testimony  
taken on such former examinations,  
with all the exhibits filed therein,  
are herewith returned as a part of  
this report. The greater part of  
the evidence taken by Examiner  
Harkness, also the testimony taken  
by me, relates to the conduct of the  
Receiver in making certain com-  
promises respecting real and per-  
sonal property claimed by the plain-  
tiff, the United States, to be the  
property of the Church, defend-  
ant, and subject to escheat under  
the acts of Congress, known as the  
Edmunds-Tucker act and the anti-  
polygamy act of July 8, 1862.

I.

I find from all the evidence sub-  
mitted that the statement of facts  
set forth in the report of Examiner  
Harkness, filed in this court on the  
20th day of February, 1889, is sub-  
stantially correct, and the facts re-  
lating to the conduct and com-  
promises made by the Receiver

prior to that date are so fully set  
forth in it that I deem it unneces-  
sary to repeat them here. They are  
referred to and made a part of this  
report. The report of Examiner  
Harkness was submitted to this  
court, and, on the 2nd day of  
March, 1889, its decision was ren-  
dered approving his findings and  
conclusions of law. The evidence  
taken by me in most respects relates  
to the acts and transactions of the  
Receiver, which were investigated  
by Examiner Harkness. In a large  
degree it is but a repetition of the  
evidence relating to the acts and  
doings of the Receiver taken by that  
officer, and I find that it does not  
justify finders of fact and conclusions  
of law which would substantially  
differ from those found by him.

II.

On the 4th day of April, 1888; the  
Receiver commenced an action No.  
7262 in the District Court of the  
Third Judicial District, Salt Lake  
County, Utah Territory, against  
Horace S. Eldredge, the Salt Lake  
Literary and Scientific Association,  
a corporation, and others. This  
suit was brought to obtain a decree  
of the court that all of lot 8, in  
block 76, plat A, Salt Lake City  
survey, known as the Constitutional  
Block, was at the time of its dis-  
incorporation the property of the  
Church defendant, and subject to  
escheat under the acts of Congress  
mentioned. A joint answer was  
filed by the said defendants in the  
suit, and it appears that the defend-  
ant, the Salt Lake Literary and  
Scientific Association, claimed title  
to the northeast corner of the lot in  
controversy, five rods by five rods,  
known as the Council House cor-  
ner. During the pendency of this  
suit, the Receiver, with the advice  
of his counsel, entered into negoti-  
ations with the defendants for a com-  
promise of the action, excepting  
and reserving from compromise  
that portion of the lot claimed  
by the defendant, the Salt  
Lake Literary and Scientific As-  
sociation. As a result of the negoti-  
ations, on July 9, 1888, the Receiver  
filed in the Supreme Court of the  
Territory a petition, praying, among  
other things, for an order of the  
court authorizing him, upon the  
payment to him by the defendants  
of the sum of \$36,241.15, to dismiss  
the suit, except as to that portion of