

H. J. Dronbay, advanced him on his account of herding and only awaiting a settlement of mixing sheep with another herd for which damages is claimed against said Dronbay.....

100.00

Total..... \$233,337.11

Your receiver used \$11,000 of the above funds from the 25th day of April, 1893, to the 25th day of June, 1890, and he then deposited back \$8000 with interest at the rate of 10 per cent per annum; and on the 2nd of July, 1890, I deposited the balance, \$3000 with interest on the said amount from June 25, 1890, to July 2, 1890.

In addition to money on hand as shown in detailed statement your Receiver has recovered and has in his possession as such Receiver, the following additional personal property:

Eight hundred shares of the Salt Lake City Gas Company stock; 4732 shares of the Deseret Telegraph Company stock.

The sheep is now in the hands of the following parties:

Executors of the estate of Samuel Bennion, 5,000; James B. Hunter of Mount Pleasant, Utah, 7,418; Charles Peterson of Salt Lake County, 375; and A. Thompson is in the immediate possession of 9,949; with young lambs also in his possession, 2,600;

Also in his possession 101 head of bucks, 2 sets of harness, 4 horses, 4 wagons, 3 tents and 4 camping outfits, which were purchased for the purpose of herding and caring properly for the sheep and the lessening of the monthly expense incident thereto.

In pursuance of the order of the Court, hereto attached, I herded the sheep except those in the immediate possession of the executors of the estate of Samuel Bennion, James B. Hunter and Charles Peterson, and made the best terms possible for their proper care, and have used and exercised my best judgment in the employment of experienced and skilful herders, and have employed an overseer, who directed the movements of the herds and looked after the sheep personally, going into the mountains and supervising the herds himself.

I have recently learned from the Assessor of Salt Lake City that certain property situate in this city had been assessed to the Church of Jesus Christ of Latter-day Saints. I promptly procured abstracts of the said property and find that there are three pieces of such property and that instead of being deeded to the said Church, two of the said pieces are deeded to the corporation and members of the Church of Jesus Christ of Latter-day Saints, residing in the Fifteenth Ecclesiastical Ward of the Salt Lake Stake of Zion, in trust for the benefit of the poor in said ward, and the third piece is deeded to the said corporation and members, without specifying the use to which it is to be devoted.

I am advised by my counsel that it is very doubtful whether this property, the title of which seems never to have been vested in the late corporation or in any one in trust for it, can be recovered, or whether it even comes within the spirit of the law

providing for the forfeiture of the property of the said corporation. Under these circumstances I hesitate to attempt to recover the said property or any portion of it unless so advised by the court, as my conviction is that such litigation would be fruitless, and would of course entail certain expense.

In the year 1888 I began six suits in the Third District Court of Utah, four of which were to recover real, and the other three to recover personal property. Those to recover real property were: First, against Angus M. Cannon; second, H. S. Eldredge et al.; and the third against Francis Armstrong and Abraham H. Cannon; and the fourth, against Zion's Savings Bank.

Those to recover personal property were: First, against Francis Armstrong et al, to recover street railway stock; second, against J. C. Cutler et al. to recover Provo Manufacturing Company stock; and the third against Z. C. M. I. to recover Provo Manufacturing Company stock.

The claim for the property involved in all of these cases was settled and compromised in pursuance of the order of this court, dated July 9th, 1888, a copy of which is attached hereto, and by that order I was authorized to dismiss the said cases or to submit to decrees therein for the defendants. In pursuance of such compromise the cases involving personal property were afterwards dismissed and those involving the realty were subsequently disposed of by decrees in favor of defendants.

I have also brought and there are now pending in the First District Court of Utah, at Ogden, the following suits: First, against Robert McQuarrie and the Church Association of the Weber Stake of Zion, involving the greater part of Block 46, Plat "A," Ogden City survey, in Ogden City, and said case is at issue between the plaintiff and the said defendants; that about April, 1893, upon application to the Court for that purpose, Ogden City, a municipal corporation, was permitted to intervene in said case and by its petition of intervention claims the ownership of the said premises, and issue has been joined between the intervenors and the plaintiff. Second, against David M. Stuart, the Church Association of the Weber Stake of Zion and Ogden City, a corporation, to recover a parcel of land situate in Ogden City, Utah, known as the Tithing Grounds, being about twenty rods square and constituting a part of block 18, Plat "A." This suit is now at issue upon the facts. Third, an action against R. J. Taylor and Lewis W. Shurtliff to recover lots 8 and 9 in block 8, Plat "B," Ogden City survey, containing two acres of land and situated in Ogden City. This case is also at issue.

I incidentally learned that there was some property at or near Omaha, Neb., which had at one time belonged to and was occupied by the late corporation, and I obtained abstracts which disclosed that the property had been sold for taxes, but under the laws of that State in such cases the money can be refund-

ed with interest and the property recovered, so I am informed. I submitted these abstracts to Chief Justice Zane, requesting that the judges of the court, the government attorney, etc., look into the matter as it was probable that I should ask for advice in the premises. These papers were only returned to me a short time ago, and I am still of the opinion that steps should be taken to recover that property, as it is worth twenty-five or thirty thousand dollars. The expense, however, in the matter of litigation will be comparatively large, and your Receiver asks the advice of this court upon the abstracts and papers submitted, which show for themselves.

I desire to call the especial attention of the court to the items of expense in the matter of herding sheep. There is nothing charged for the first year, as they were rented, and we had but little expense such as faxes, wages to men to count them, etc., and had an income of \$6233.93 from them, but last year the court thought best to have them herded, or 17,207 of the 30,000, and so ordered, which order I have complied with to the very best of my ability by hiring the most experienced sheep men that could be got. The expense for the first two months was rather greater than afterwards, as the first order to herd only contemplated the keeping of the sheep in this way for a short time, as a final decision in the United States Supreme Court was daily expected; but when we learned that we would be compelled to keep them through the winter, other arrangements were necessary and were made, thereby lessening to some extent the monthly average expense. As is well known, last winter was very severe and a disastrous one to stockmen. Our losses were seven thousand two hundred and fifty eight, including losses through the summer to date, which, however, I do not believe is any greater ratio of loss than that sustained by other sheepmen. The sheep have just been shorn and we have thirty-seven thousand eight hundred and sixty one pounds of wool, which is probably worth \$8700, and 2600 lambs probably worth \$2,600.

The cost of herding and caring for these sheep, including taxes on same and purchase of bucks as per the order of the court, and clipping and shearing the same to date, has been about \$15,550. The loss by death to date has been 7258 head. Value these say at \$1.50 per head, and we have the cost and loss amounting to \$27,437, deduct \$8,600, being approximately what can be got for the wool and increase of lambs and there appears to be a net loss of \$18,837.00 with four horses, 2 sets of harness, four wagons, three tents, four camp outfits and 103 head of bucks on hand. It will be seen that if these sheep had been leased at even twenty cents and a sufficient bond taken as was at first contemplated by the court, and as was done the previous year, we should have realized about \$3500.00 on this lot of sheep, thereby making a difference in favor of the fund of \$22,337.00.

In view of these facts and the further fact that the ranges are be-