

classes shortly before the close of the term.

The records kept, the apparatus used and owned, and the library need no special report.

The report continues: The work of the first term of the second academic year of the Malad Stake Academy is now a thing of the past. The records are open for criticism. It is the opinion of the teachers that the past term has been a highly successful one.

There have been no signs of interest flagging, either among the students or teachers, respecting the work of the school. Our attendance, as shown in statistics, does not come up to the number enrolled last year at this time; but our borders are extending, and the interest taken by those attending far exceeds that of any previous term.

The hearty and active support of the Bishops, Elders and Saints of the Stake, in behalf of the Academy, is expected, and we trust that our united efforts will be blessed with the spiritual, moral and intellectual advancement of our youth. We appeal to every Latter-day Saint who has the welfare of the youth of Zion at heart to use their influence with the rising generation, that the class rooms of the academy may be filled to their utmost capacity. This will, of course, call for more room, and our brethren of the Board will be encouraged to build a more convenient house than we now occupy."

Brother George Cole is the Principal.

THE CONFISCATION SUITS.

The report of the Attorney General of the United States contains a statement made by United States District Attorney Varian in regard to the litigation over the Church property. It is introduced in this way:

MORMON CHURCH LITIGATION.

I submit herewith (Exhibit Q) a report of the United States Attorney for Utah, giving somewhat in detail the history and present condition of the litigation commenced under the act of March 3, 1887, with reference to the property of the Mormon Church and the Perpetual Emigration Fund Company.

It is, of course, well known that the decree of the Supreme Court of Utah, in favor of the government, was affirmed at the last session of the Supreme Court, but the opinion is withheld for the consideration of some motions, on behalf of the appellants, for a modification of the decree.

In explanation of the statements in the report of the District Attorney, I beg to state that the suits referred to in his report as necessary to be commenced before the 16th day of December next have been instituted.

Steps will be promptly taken to carry out the other suggestions made in the report, and to bring said litigation to a conclusion as soon as practicable.

REPORT OF DISTRICT ATTORNEY.

EXHIBIT Q. *Report of the Attorney of the United States for the District of Utah upon the status of the Mormon Church Litigation.*

OFFICE OF
UNITED STATES ATTORNEY FOR
UTAH, SALT LAKE CITY,
October 27th, 1890.

Sir:—In response to your request

contained in your dispatch of the 22nd instant I hereby submit the following statement of the so-called Mormon litigation.

On July 30th, A. D. 1887, the United States by its Attorney-General filed its bill in the Supreme Court of the Territory against the Church of Jesus Christ of Latter-day Saints and certain alleged trustees and others, under the provisions of section 17 of the act of Congress of March 3rd, 1887.

At the same time another bill was filed against the Perpetual Emigration Fund Company and trustees, under the provisions of section 15 of the act, *supra*.

On November 7th, 1887, the United States Marshal, Frank H. Dyer, was appointed as receiver and qualified in both cases.

In the case against the Emigration Fund Company, no moneys and very little property are reported as coming into the hands of the receiver. On January 9th, 1888, he made a report showing the property coming into his hands to consist of an office safe, desk, books of account, and a number of promissory notes. Of these last those not barred by the statute of limitations aggregate in face value, as reported, the sum of \$3171.46. No real or estimated value is given.

On February 15, 1888, the only other report made by the receiver was filed, and shows the receipt by him of 131½ shares of Parowan Co operative Stock Raising Company, par value \$1 per share. The real or estimated value not given. The expenses of the receiver are stated at \$72 and vouchers exhibited. As no further attention has been paid by the receiver or the court to this case I assume that there were practically no assets, and its consideration may be dismissed.

For your information I may add that, as I understand it, the Emigration Fund Company was accustomed to advance to emigrants money for passage and expenses, taking notes, etc., for the repayment. The notes mentioned in the receiver's report are doubtless of this class, and the debtor's being probably poor persons and widely scattered throughout the Territory, it was conceived impracticable to attempt collection.

But to resume the history of the main case. On October 8, 1888, the receiver having gathered and reduced to possession personal and real property, the solicitors for the United States and the defendants agreed in writing to certain facts, among other things specifying certain personal and real property then in the possession of the receiver, and stating the time and manner of its acquisition by the defendant, the late corporation, and also setting out fully the alleged titles and claims of the other defendants to certain portions and parcels of said property.

This statement also sets forth that block 87, plat A, Salt Lake City survey, known as the "Temple Block," since 1848 had been used "exclusively for the purpose of the worship of God according to the doctrines and tenets of the Church of Jesus Christ of Latter-day Saints." Afterwards, on the 8th day of October, 1888, findings and decree were entered in pursuance of the said agreed statement, and subsequently an appeal was taken and the cause deter-

mined in the Supreme Court of the United States. This decree you have in the record on appeal, and it is unnecessary to further allude to it except to direct attention to the fact that it sets apart the entire "Temple Block," 10 acres in all, to the defunct church as property excepted in the act of Congress, and to the question of its finality.

In the meantime the United States had filed informations in the District Court for the Third District to escheat or forfeit certain of the realty specified in the decree, as follows, to wit:

October 8 1888, against property generally known as the Tithing Yard and office. File No. 7503.

No. 7504, against 1060 acres and one undivided half of 100 acres, all known as the "Church Farm."

No. 7505, against property generally known as "Gardo House" and "Historian's Office."

Monition to claimants was issued, published, recorded and filed.

On December 6, 1888, and before the return day, certain claimants appeared specially and noticed motions to dismiss the several proceedings on various grounds, including the alleged want of jurisdiction. These motions were not brought on until September 10, 1890, when they were overruled.

Subsequently, in two of the cases, certain claimants to the property appeared and set up their claims. It is expected that claimants in the third case will shortly appear. Time has been given the United States in which to file complaints or informations against the property and the respective claimants until December 6, 1890. The defenses in these cases, as evidenced by the claims already filed, are:

In No. 7505 (Gardo House and Historian's Office), that the real estate was occupied as a parsonage or house for the president of the Church, and was so connected with Church property, which was used exclusively for the worship of God, as to be exempt, etc.

In No. 7503 (Tithing Yard, etc.,) that the Church as a "voluntary association" owned the property prior to the enactment of July 1, 1862.

In both cases it is averred that the Church is an association for religious and charitable uses and purposes, and has the right to hold such property, through trustees, to be used for such purposes, and in both the limitations prescribed by section 1047 of the Revised Statutes are relied on. I am informed the same matters substantially will be relied on in case No. 7504 (Church Farm and coal lands.)

The manner and time of the acquisition of this property by the Church is set out in the findings and decree, a record of which you have, and you are referred thereto for further information as to the sufficiency of these defenses.

You will observe that the next step to be taken in these proceedings will be the filing of complaints or informations against the property and the claimants by the Attorney-General, and that the same should be done before December 16.

The values of these parcels of realty are stated in the decree, but property has very greatly appreciated since.

The receiver brought actions in the First District Court at Ogden to recov-