

behind the findings of fact and conclusions of law, not only of Judge Harkness, but of Judge Sprague, in relation to matters passed upon by the court. He desired to have the instruction of the court if anything else was meant.

The court then took a recess till 11:30. That hour arrived, but no judges appeared in the court room. Twelve o'clock came, but the bench was still vacant. It was apparent that the matter took considerable discussion.

At 12:35 p. m. the judges came in and Judge Zane stated that the motion to modify the order was overruled.

Judge Henderson said he did not understand the order to affect any matter already passed on by the court.

Judge Zane said the court had agreed to appoint Henry W. Lawrence as receiver, with a bond of \$300,000, to be approved by Judges Zane and Anderson.

The court then took a recess till 4 p. m.

In the Supreme Court of the Territory of Utah, Frank H. Dyer, receiver herein, having tendered and filed his resignation as such receiver, which was on this day accepted by the court with restrictions and limitations as in the order of acceptance mentioned, and it appearing satisfactorily to the court that a successor to said receiver should be forthwith appointed; now, therefore, it is ordered, adjudged and decreed that Henry W. Lawrence of the City of Salt Lake, in the Territory of Utah, be and he is hereby appointed receiver of the defendant, the late corporation of the Church of Jesus Christ of Latter-day Saints, and of all its debts, and property, real, personal and mixed, of every nature, kind and description whatsoever, including all equitable interests which it may have or ever had to any thereof.

It was further ordered and adjudged that the said receiver shall proceed forthwith to collect and get in all of the outstanding debts and moneys due to and personal property of the said late corporation, the Church of Jesus Christ of Latter-day Saints, and take possession of, manage, control and collect the rents, issues and profits from the real estate thereof, and receive from the late receiver all and singular the property, real and personal.

It is further ordered and adjudged that the said late corporation, the Church of Jesus Christ of Latter-day Saints, defendants, and its officers, trustees, agents and employes and each of them, surrender and deliver up to said receiver all of the assets, property, effects of every kind and nature, and the possession of the real estate belonging to said late corporation, and also all moneys, notes, drafts, bills of exchanges, checks or other evidences of indebtedness, due and owing to said late corporation, as well as all books of account, accounts, deeds, bonds, mortgages, certificates of stock, books and papers of every kind or nature whatsoever belonging to the said late corporation, and for the purpose of collecting and gathering in said property and effects of said late corporation and of managing and conducting said business, the said receiver is hereby authorized and empowered to employ counsel and such other aid and assistance as he may deem proper and necessary for that

purpose. He is also authorized and empowered to institute and maintain in his own name as such receiver such suit or suits, and take such proceedings from time to time, in the courts of this Territory or elsewhere, as may be necessary to fully and effectually carry out the objects and purposes of this decree under the direction of this court.

It is further ordered and adjudged that said receiver at the end of each month file with the clerk of this court an account under oath, with proper vouchers, of his doing and proceedings under this decree.

It is further ordered and adjudged that said Henry W. Lawrence, before entering upon the discharge of his duties as such receiver, shall be sworn to faithfully perform the duties thereof and enter into an undertaking in due form of law to the clerk of this court and his successors in office in the sum of three hundred thousand dollars (\$300,000), with good and sufficient sureties to the clerk of the court, for the faithful and honest administration of this trust, to be approved by Justices Zane and Anderson.

It is further ordered and adjudged that the said receiver may apply from time to time to this court for further directions and orders herein as occasion may require, and Frank H. Dyer, Esq., late receiver, is hereby directed to pay and deliver over to the said Henry W. Lawrence, Esq., as receiver aforesaid, all moneys and other property, real, personal and mixed, in his possession or under his control, as receiver, together with all vouchers, books, accounts and furniture of every description belonging and appertaining to the office found in his hands.

The Supreme Court has adjourned to July 28.

#### PROSECUTIONS DISMISSED.

Friday, July 18th, the following motion, made by Mr. Varian, was granted by Judge Zane:

In the District Court for the Third Judicial District, Territory of Utah The People of the Territory, plaintiff, vs. Elias A. Smith, Francis Armstrong, Elijah M. Weller and Samuel Bennion, defendants.

Now comes C. S. Varian, Esq., United States Attorney for Utah, who in this behalf prosecuteth and represents to the court that the indictments above mentioned were found and presented against the defendants above named on the 14th day of December, 1889, and charged the said defendants with conspiring in their official capacity as members of the court of Salt Lake County, in the Territory of Utah, to defraud the said county of Salt Lake and the treasury thereof, by procuring and causing to be drawn certain warrants in favor of the defendant, Elias A. Smith, for the payment of certain moneys out of the treasury of said county for alleged services as superintendent of county affairs; that the substance of the matter out of which the indictments grew was the attempted creation of an alleged office designated as superintendent of county affairs, and the appointment of the said Smith, the probate judge of said county, as the incumbent of said office. And it is further represented that continuously and for many years last past the various county courts of the said county had claimed and exercised such right in the premises, and the several judges of probate had accepted the offices so created and the salary appro-

priated therefor. And it is further represented that until the presenting of the indictments herein, as the said district attorney is advised and believes, no question of wrong-doing or criminal intent on the part of the officers has ever been made, and it is not believed that the criminal intention necessary to warrant a conviction existed in either of the cases. That the Supreme Court of the Territory has decided that the County Court has no power to act as aforesaid, and there is no question that in the future the law as announced by said court will be obeyed.

For the reason stated, and believing that the civil remedy for the recovery of the moneys unlawfully paid is the only one properly open to the people, the said attorney moves the court that the said indictments be dismissed.

CHARLES S. VARIAN,  
United States Attorney, Utah.

#### FORT HALL INDIANS.

While in Blackfoot a short time ago we met one Lavada, an Indian belonging to the Fort Hall Reservation. Lavada is 27 years old and is fairly educated. We learned from a conversation with him that he had been nine years in school at Deer Lodge, Montana, and is now married and settled down with his tribe—the Bannocks on the reservation—and when we saw him, he was engaged before the District Court in Blackfoot as interpreter in a case where a citizen was charged with selling liquor to the Indians. Monkey Jackson, a blanket Indian, was a purchaser of the liquor, and was a willing witness against the vendor, who was convicted on said Monkey's testimony and that of another blanket specimen who helped him to imbibe the forbidden firewater.

About fifteen hundred Bannocks are located on the reservation—about three fourths of whom are blanket Indians—those that receive rations from the government, but positively refuse to work for their living. There are about four hundred adult Indians, about one-fourth of whom are working on their farms, and are raising and selling wheat, oats and potatoes, and some of them own considerable property. One of the noble rads, who is distinguished by the name of Whisky Joe, cultivates twenty-five acres of land and is said to own property worth \$10,000 dollars. The Indian school is located at Fort Hall, about eight miles from Blackfoot and sixteen from Ross' Fork, where the Indian farms abound and flourish. The school is kept open ten months in the year. In July and August a vacation is given. Needle work and domestic labor are taught the Indian girls, and mechanical and farm work is taught the boys—and the general features of an English education is taught to all classes. About one hundred scholars are enrolled, and are receiving the benefit of this interesting and important institution, and we learned from Lavada that arrangements are being made to enlarge the school and increase the number of its pupils. — *Southern Idaho Independent.*