

other things, that I shall report to the court at least once a month, all of my doings as such receiver, etc. I have at the beginning of each and every month submitted a full and complete report of all my doings in compliance with that order, so that all the information asked in the order made on the 22d inst. is before this honorable court, except the whereabouts of the deposits.

In complying with said order of June 22d, 1889, I submit herewith a detailed statement showing "the respective sums of money received" by me "as such receiver;" "the names of the respective parties from whom it was received," the time each amount was received and what it was received for. The money has been in my care continuously—no person having had one dollar of it for any purpose whatever, except that it has been deposited at three banks in this city—that of Messrs. McCornick & Co., Messrs. Wells, Fargo & Co. and the Deseret National—as shown by my report to this court of June 1, 1889, neither of which "paid or agreed to pay for the use thereof, or any part of it;" my information being that no bank will pay interest upon uncertain deposits and there has been no time prior to the thirteenth day of May, 1889—the date of the adjournment of the United States Supreme Court—that I could assure my banker that said money could remain with him for even a period of sixty days; and as soon after, May 13th, 1889, as was possible, I came to this court asking for "advice and direction," as to what disposition was to be made of this said money. I will state further, that I have not "loaned, invested, or used said money, or any part of it." The several sums were deposited in the banks at the times they were respectively received, and have remained there ever since, except such disbursements as are shown by the account.

It is nearly or quite impossible to make a suitable loan of such a sum of money as this in the market. There is no demand for "call loans" in this city. Loans can only be made for a definite time and in sums comparatively small. To negotiate the whole of this sum, on personal security, it would be necessary to substantially engage in a banking business. The banks themselves refuse to pay interest on deposits. I have made enquiries at the banks to see if I could obtain interest, and have been informed that they would not pay any.

My credits at the banks have been exactly for the amounts which I have deposited with them.

The only thing ever done which at all approached anything like a loan, was a transaction with John R. Winder in the summer of 1888, at the time of the general settlement or turning over. He, the said Winder, informed me that they did not have the cash to settle with, the same being the settlement authorized by the court on the ninth day of July, 1888, and I accepted temporarily in lieu thereof, a certain note of Woodruff, El-

dredge, Sharp, Dinwoodey, Grant and others for \$157,666.15, which was perfectly good for the amount, which was paid October 1, 1888, and upon which I collected \$2233.60 interest, as shown in my report for the month of October, 1888.

Should the court wish that some definite steps be taken to attempt to loan this money or any part of it, I should be very glad to make the effort; but I most respectfully request that the court will determine the security to be taken, the terms and times of loans to be made, and assume the responsibility thereof in case the money should be needed and required to be produced when the decision of the Supreme Court of the United States shall be rendered in the pending suit.

FRANK H. DYER,
Receiver of the Church of Jesus Christ of Latter-day Saints.

This is sworn to before Wm. J. Clarke, clerk of the Supreme Court. Accompanying this is a detailed statement of the receipts, showing that the receiver has received in notes, rents, dividends, personal property to the amount of \$285,005.86. The statement of disbursements is also itemized. A summary shows:

Disbursed by order of court, in salaries, etc.....	\$27,365 13
For the investigation of charges against the receiver.....	4,779 07
Current expenses for past seven months.....	1,243 95
Rebate on lease of Church E. rm.....	67 50
Total disbursed.....	\$33,436 15

Balance on hand June 29, 1889, \$251,549.71. Of this there is deposited with McCornick & Co., \$174,602.65; Wells, Fargo & Co., \$48,114.08; Deseret National Bank, \$28,832.98.

The court ordered that the receiver ask for bids for interest for four months on the funds in his hands, from the banks, and inquire if the receiver's boudsmen would consent to the procedure. He is to report his action on Saturday, July 6th, at 2 p.m.

Mr. Dyer also submitted the following to the court:

In the Supreme Court of the Territory of Utah:

The United States of America, plaintiff, vs. The late Corporation of the Church of Jesus Christ of Latter-day Saints et al., defendants.

To the Honorable Supreme Court:

As receiver of the property of the defendant in the above entitled action, I wish to have the order and direction of the court relative to the leasing of sheep in my hands as receiver. I have 30,000 sheep, which have been for the past year leased to W. L. Pickard, J. J. Freema, and others; the payments on account of said leases are now about due. The lessees retain possession and take care of said sheep to the first day of September; but the usual time for leasing sheep is earlier in the year, and should be in July. These sheep should be leased before the time arrives at which I am to resume the possession of them, so that the lessee will be ready to take possession when the former lessee gives them up. I

suggest, and, unless otherwise ordered by the court, shall so offer, that advertisement be made to lease these sheep at a cash rental to the highest responsible bidder, the person taking the sheep to give bonds with sureties satisfactory to me, and in penalties sufficient to secure the performance of said bond that such lessee will at the expiration of the year, return the full number of sheep; all losses and accidents to be at the risk of the lessee, and the sheep to be returned in as good order as those delivered to him. If the court should desire to make any further or different direction in regard to this matter, I most respectfully pray that they make an order to that effect, and give me such directions in regard to the leasing thereof as to the court may seem proper.

FRANK H. DYER,
Receiver.
Salt Lake City, June 28, 1889.

OBJECTING TO JUDGE ZANE.

Mr. Williams asked the permission of the court to file the following document, which was ordered done:

In the Supreme Court of the Territory of Utah,

The United States of America, plaintiff, vs. The late Corporation of the Church of Jesus Christ of Latter-day Saints et al., defendants.

Now come the undersigned, the attorneys of the Receiver in this cause, and on his behalf object to the Honorable Charles S. Zane, Chief Justice of this court, sitting or participating in the consideration of any and all matters touching or involved in the said cause, for the reason that he has been heretofore connected with the same as attorney and counsel. And we object and protest against the said Chief Justice sitting in any matter involving the conduct of the Receiver with relation to the feud in his hands, or the consideration of the question of the loaning thereof, or the place of deposit, or the persons from whom the money was received, for the reason that heretofore the said Chief Justice, when not upon the bench, was employed, and, we are informed, paid to act as counsel in regard to these very matters, and as such counsel expressed himself in open court in opposition and in hostility to the management of said Receiver, and it is contrary to the law of the land that a man should act as judge in the same matter in which he is interested or has been employed as counsel.

Dated June 29, 1889.

P. L. WILLIAMS,
ARTHUR BROWN,
Attorneys for Frank H. Dyer, Receiver.

Judge Zane remarked, "We will take no action upon it at present."

CONCERNING IRRIGATION.

The following have been received by Governor Thomas in response to his request for information on the subject of Irrigation, to submit to the Senate committee which will visit Utah in August next: