EVENING NEWS

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CHARLES W. PENROSE, EDITOR.

Thursday, · November 10, 1887

THE GROWIN OF THIS CITY.

The recent action of the City Council ignominiously if by such means the sembly of the provisional government of the State of Deseret hereinbefore streets, is a tangible proof of the rapid growth of this city, despite the operation of those influences that have sought to prevent it. In proportion to its population it already covers more territory than almost any other city in The Demurrers in the Church Cases the Union, hence the opening of so many new streets is all the more sig nulcant of its rapid expansion, and consequently of the decadence of those agencies that have worked in an opposite direction.

As the circumference of the city extends, lands in its central portion hecom: more valuable; and hence the aggregate wealth of the municipality is increased. This added wealth, by the way, does not need to be earned by those who will enjoy it, but it comes to them by the operation of natural laws, and while it enriches its recipieats, no one is impoverished or

wronged. Why were not these streets opened years ago? Way was not real estate as attorneys for Bishops Wm. B. Pres- the powers graated by said ordinance, in the centre of this city made, a long ton. Robert T. Burton and John R. did acquire and hold bertain real and time ago, far more valuable than it has everyet been? Why is not this city, to-day, the populous and wealthy metropolis which its natural resources, situation and advantages entitle it to become, with all those public improvements suited to the rank of a great commercial centre?

It is pleasing to note the manner in. The U which these questions are being answered by many business men of this city, regardless of political or religious affiliations. With one accord this class of citizens, who are, in most communities, regarded as possessing as great a degree of intelligence, good sense and honesty as any other class, seem to have come to the conclusion that a new order of things should be introduced in order to, enhance the financial and material interests of this c.ty and Territory. In pursuance of this conclusion the business Interests of several of the leading offies of the Territory, including tals, are unitedly striving to counteract

faise information about Utah.

tion with the conspiracy and its consummation. Just what aspect his suicide will impart to the case of the

others remains to be seen. Later advices say that Lingg is not dead, but he can hardly recover. In any event, his conduct is in decided contrast to that of his comrade Spies, who has expressed a willingness to die

OVERRULED.

Peremptorily Brushed Aside.

ANSWERS FILED IN THE SUITS AGAINST America, on the one part, and the per-THE CHURCH AND P. E. FUND CO. tors of THE CASES WILL NOW GO TO THE

UNITED STATES SUPREME COURT.

the said

The Territorial Supreme Court met as per adjournment last evening, to quire and hold real and personal propcontinue its proceedings as a court of erty without limitation as to the value equity in the suits of the United States and amount for the purposes specified in its charter. against the Church and the P. E. Fund Company.

Col. J. O. Rroadhead, Senator J. E. porate name it never acquired, owned or heid any real or personal property McDonald, Hon. F. S. Richards and Hon. Le Grand Young were entered corporation, by virtue of and under

ton, Robert T. Burton and John R. sented the following demurrer for wards, to-wit: on July 1, A.D. 1862, a these defendants: IN THE SUPREME COURT OF THE TER-

RITORY OF UTAH. NO				i
	0F T	ERM.	···	8
In Equity.				CO
United	States of	America,	plain-	1

tiff, VS.

The late corporation of the Church of Jesus Carist of Latter-day Saints, and John Taylor, late Trustee-in-Trust, and Wilford Woodruff, Lo-renzo Snow, Erastus Snow, Frankliu D. Richards, Brigham Young, Moses, Thatcher, Francis M. Lyman, John Henry Smith, George Teasdale, Heber J. Grant and John W. Taylor, late assistant Trusteesin-Trust of said corporation, Wil-liam B. Preston, Robert T. Bartou and John R. Winder, defendants.

DEMURRER. The above named defendants, Wil-

iam B. Preston, Robert T. Burton a d John R. Winder, by protestation, not those forces that have operated so and things in the plaintiff's bill of long to the injury, in every way, of the welfare of the commonwealth. In other words, they are making an earnest effort to spread true instead of of demarrer show and allege : First. That said Supreme Court of

ir nothing but truth were told or the Territory of Utah nas no jurisdic-tion of, or over said defendants, or published about Utah and its inhabi-either of them, or of the subject matthe Territory of Utah nas no jurisdic-

bars intervene between him and the day of February, A. D. 1851, the said ties of the Church of Jesus Christ of ant corporation, but simply and solely bars intervene between him and the spectators. The ghastliness of the means by which he expected to go once before and was thwarted—the secreted bombs—is an illustration of how utterly desperate and reckless the man was, and how very probable that man was, and how very probable that adopting, legalizing and validating al said three tracts or parcels of real es-he was the guiltiest of all in connec- ordinances of the assembly of the tate hereinabove described: That the

tached hereto as Exhibit "B": That afterwards, to-wit, on Jan. 19th, A. D 1855, an act of the Legislative Assembly of the Territory of Utah was approved, adopting, re-enacting and making valid the said ordinance of the as-nerinabove described, with the ex-nerinabove described, with the ex-

sembly of the provisional government of the State of Deseret hereinbefore set forth; which said act was entitled "An act in relation to the compilation and revision of the laws and resoluset forth; which said act was entitled "An act in relation to the compliation and revery of Utah, constituted, and were, and are, a contract by and between the territorial government of the Territory; of Utah, and were, and are, a contract by and between the territorial government of the Territory; of Utah, constituted, and between the territorial government of the Territory; of Utah, constituted, and between the territorial government of the Territory; of Utah, constituted, and between the territorial government of the Territory; of Utah, constituted, and between the territorial government of the Territory; of Utah, constituted, and between the territorial government of the Territory; of Utah and the Marked and transferred to said transf conveyed and transferred to said trus-tees so appointed as aforesaid; copies territorial government of the Territory of Utah and the United States of of which said deeds of conveyance are defendant corporation.

sons accepting said corporate, grant, and becoming thereunder incorporahereby made part hereof and attached hereto as Exhibits "E," "F," and defendant corporation, the Caurch of Jesus Christ of Latter-day Saints That the said tract last above deof Latter-day Saints on the other part: That by said ordi-nance and ac's of said Territorial Leg scribed being seven by ten rods is now ield by Theodore McKeau in trust for said defendant corporation and should have been included in his conveyance islature, bereinbefore set forch, the

said corporation, defendant herein, had and possessed the power to ac-

Second-Said corporation, defendant herein, further avers that In its cor whatsoever, but that said defendant Propate Court as aforesaid, if has not or own, any real estate whatsoever. Winder, who had been named as addi-tional defendants. Mr. Richards pre-defendant corporation: That after-ized and effipowered by Said defendcertain act of the Congress of the United States of America was duly approved, by the third section of which was enacted and provided that it

life on the 25th day of July, A. D. 1887, and that since his death no successor should not thereafter be lawful for any corporation or association for religious or charitable purposes to acquire or hold real estate in any Territory of as Trustee-in-Trust has over been ap-pointed, elected or chosen by said de-fendant corporation as Trustee-inthe United States during the existence of the territorial government of great-Trust to acquire, own or hold in trust er value than fifty thousand dollars, for said defendant corporation, any especially providing that existing real or personal property. Fifta-Said defendant corporation ested rights in real estate should not be impaired by the provisions of said act; a copy of which said act of Con-gress is hereby made part hereof and attached hereto as Exhibit "C." And and act of incorporation of defendant defendant avers that it was at the time | was disapproved, repealed and anof its creation, ever since has been, nulled by the Cougress of the United and still is, a corporation or associa- | States on the 19th day of February, tion for religious or charitable pur- 1887, but, on the contrary, that even is

poses. That afterwards, to wit: on March 3, A.D., 1887, a certain act of the Congress of the United States of America took effect, by which the general government of the D, 1887. United States of America claims, And defendant further avers that

attempts and purports to have prior to February 28, 1887, it had as disapproved and annuiled the said or- such corporation, as it lawfully might linance of the assembly of the provis- by the powers granted to it by its acts ional government of the State of Des-eret, and the said acts of the Legis-lative As embly of the Territory of Utah hereinabove set forth and made a part hereof, and claims, attempts held and used solely and only and purports to have dissolved and disincorporated said defeadant cor-poration; a copy of section 13,14,17 and 26 of which said last named act of Congress is hereby made part hereof and stateched hereto as Exhibit "D." only for use and distribution for charitable and religious purposes: That acts of Congress, hereinabove set forth defendant at all times from the time of and referred to, or so much of said its creation as a corporation up to February 28, 1887, held whatever personal property belonged to it, not in its corporate name, but in the name of a Trustee-in-Trust: That on Febru-ary 28, 1887, John Taylor, who then held all the personal property, moneys, hold property, or which attempt to escneat the same, or to wind up its affairs, were and are unconstitutional, invalid and void: That said General stocks and bonds belonging to said delendant corporation, as Trustee-in-America has not now, and never has Trust for said defendant, by and with the consent and approval of defendant. Fourth. Taat the plaintiff has not in | had or possessed the power or right to repeal or annul the ordinance and acts donated, transferred and conveyed all creating said defendant corporation of said personal property, moneys, stocks and bonds held by kim belongand granting unto it in perpetuity cer-tain rights, pawers and privileges, nor ng to said defendant corporation. any of them, the same being in the naafter setting apart and reserving certure of contracts by and between the Territorial government of the Terriin moneys and stocks then held by im, sufficient in amount and necessary for the payment of the then existing indebtedness of said defendent corporation, - to cerain eccle-siastical corporations created and existing under and by virtue of the laws of the Territory of litab, to be devoted by said accleditation. tory of Utan and the United States, ou the one part, and the incorporators of said defendant corporation, on the other part: That said defendant corporation, relying upon the said ordinance and acts of incorporation as contracts, in good faith acquired and he devoted by said ecclesistical corobtained certain real and personal property, as lawfally and justly it might, and held the same by a Trusteeporations solely and only to charitable and religious uses and purposes : That said conveyance of said personal property was made by said Taylor by an instrument in writing, and that pursuant to said instrument in writing said Taylor, as Trust-ee-in-Trust for said defendant corpor-ation, did deliver to the said various ecclesiastical corporations named in in-Trust, as in said ordinance and acts of incorparation lawfully pro-Third. Said defendant corporation avers that at the time the said act of Congress last hereinabove set forth, to wit: March 6, A. D. 1887, went into force and took effect, the said desaid instrument in writing the said fendant corporation, by and through certain trus.ees, held and owned three personal property in said instrument mentioned and described; a copy of which said instrument selling, conveyertain pieces, tracts or parcels of real estate, and no more; which said three pieces, tracts or parcels of real ing and transferring said persona property to stid ecclesiastical corpor-ations is hereby made part hereof and attached hereto as Exhibit "H" estate are described as follows, to-All of Block eighty seven (87), in Plat A, Salt Lake City Survey, in Salt Lake County Wherefore defendant avers that at the time said act of Congress of March 3, A.D. 1887, went into force and Utah Territory Commencing four (4) rods north of the southwest corner of Lot four (4), Block eighty eight (58), Plat A, Salt Lake City ortook effect this defendant corporation did not own, possess or hold any per senal property other than the mere vey; thence north twenty-six (26) rods; thence cast twenty (20) rods; thence south twenty two and one-haif (22%) rods; thence furniture, fixtures and implements of and pertaining to its houses of wor ship and parsonage. And said defend twenty two and one-haif (22%) rods; thence west fourteen (14) rods; thence south three and one-half (3%) rods; thence west six (6) rods, to the place of beginning, containing two and 157-160 acres. All of that part of Lot six (6), in Block seventy-five (75), Plat A, Salt Lake City Sur-vey, bounded and described as follows, commencing at the northeast corner of said lot, thence south ten (10) rods; thence west seventeen (17) rods; thence north ten (10) ant corporation here now expressly and specifically delies each and every averment and allegation of plaintiff's omplaint not hereinabove admitted. Wherefore and by reason of the facts herein set forth said detendant corporation prays the Court that the prayer of plaintiff in its said complaint be de-nied, and that upon the final hearing eventeen (17) rods; thence north ten (10) ods; thence east seventeen (17) rods to the place of beginning. of this case a decree may be rendered and entered by this Court in favor of And defendant further avers that it this defendant corporation, and that had acquired and owned and held two said defendant corporation may be dism ssed hence with its proper costs and charges in this |behalf laid out and of said above named tracts or parcels of real estate prior to the passage and approval of said act of Congress apexpended. proved July 1, A. D. 1862, to-wit; the And defendants will ever pray.

that on the eighth day of April, A. D. 1873, he was duly elected an assistant provisional government of the State of Deseret, making the same, and all of them, laws of the Territory of Utah; a copy of which said act of the Legisla-tive Assembly of the Territory of Utah is hereby made part hereof and at-tached hereto as Exhibit "B": That afterwards, to-wit, on Jan. 19th, A. D. 1855, an act of the Legisla-tive Assembly of the Territory of Utah is hereby made part hereof and at-tached hereto as Exhibit "B": That afterwards, to-wit, on Jan. 19th, A. D. never since been nor acted as, nor per-formed any of the duties of an assistant trustee of said corporation.

they never have, and do not now ows, hold in trust or otherwise, or possess

said defendant corporation and should have been included in his conveyance of the said defendants, and each of them, jointly and severally here now a lopt to said Trustees, Preston, Burton and Minder, but through an oversight and mistake on the part of the draftsman of said defendants, and each of them, bis there as and incorporate the same force and effect as if the beknown to the parties thereto erroneously omitted therefrom. And said defendant corporation here how are that of the best of them, and that in pursuance of the provisions of the said tratt in pursuance of the provisions of the said ordinance and act is sixty years of age. Slighty gray have of said defendants and incorporate the same lot of the gray was orgunized as a corporation in hight, and about 160 pounds in hight blue eyes, about 160 pounds in hight blue eyes, about 160 pounds in hight corporation. Scond, These defendants is built there was a slipper on the right fort. And said defendant corporation here is every interval to the best of them, and said defendant corporation here is every active that to the best of them.

now avers that since the conveyance of knowledge, information and belief, and company was, on the fait day of Feo-said real estate as hereinabove set forth to the best of the knowledge, infor-to said Trustees, so appointed by the mation and belief of each and every of poses expressed in the said acts of m-

held or owned, and does not now hold averments and allegations of said an list as a corporation, and avers that by swer of said defendant corporation are virtue of the said acts of incorpora-Said defendant corporation further | true in substance and in mitter of fact tion it is entitled to and has perpetual avers that Jonn Taylor, now deceased, was the late Trustee-inTrust author-Wherefore and by reason of the facts

J. E. MCDONALD. F. S RICHARDS, LE GRAND YOUNG Solicitors for said Defendant Corpo

ration.

REFORT OF UTAH. NO..... of ..... TERM. In Equity.

- vs.

and John R. Winder, defendants. The joint and several answer of Wil- to assist them in their emigration, and liam B. Preston, Robert T. Burton and John R. Winder.

plaint, jointly and severally for answe thereto, or to so much, or to such parts of them severally are advised is mater ial or necessary to mike answe unto, answering say: First -- Foat on the 9th day of Mav, A. D. 1887, to 0 said defeadants, Wm B. Preston, 'Robert T. Burton, and John R. Winder, were duly appointed by the Probate Court of Silt Lake County, U an Territory, Trustees to take the title to, and have and hold the real estate belonging to the Church of Jesus Christ of Latter-day Saints That said appointment was made by said Probate Court on the nomination of the duly constituted authorities of sald Church of Jesus Christ of Latterday Shints, in due form of law, under and in pursuance of an act of Congress en itied "An act to amend an act entitled 'An act to amend section 5352 of the H vised Statutes of the United States, in reference to bigamy and for other purposes,' approved March 22, 1882." Second -That after the appointment of said defendants as such lirustees as aforesaid, to-wit: On the 30th day of June, A. D., 1887, the following de-scribed lind and premises were duly and legally decded, conveyed, and transferred to said defendants, as such Trustees, to-wit: All of Block eightyseven (87), Plat A, Salt Lake City survey, in Salt Lake County, Utah Terri-That on the 2d day of July, 1887, the following described tracts of land and premises were duly and legally deeded, conveyed and transferred to said de-fendants, as such Trustees so appointed as aforcaid, to-wi: Com-mencing four (4) rods north of the southwest corner of Lot four (4), Block eighty-eight (88), Plat A, Sait Lake City survey; thence north twenty-cix (26) rods; thence cast twenty (20) rods; thence south twentytwo and one half (22%) rods; thence west fourteen (14) rods; thence south three and one half (3%) rods; thence west six (6) rods, to the place of be-ginning, containing 2 157-140 acres. Also, all of the east hall of Lot six (6), in Block seventy-five (75), Plat A, Salt Lake City survey, and bounded as follows: Commencial at the north-east corner of said lot, thence south ten (10) rods; thence west ten (10) rods; thence sorth ten (10) rods; thence east ten (10) rods, to the place of beginning. All of which will more fully appear from the records of the Recorder'- office of Salt Lake County, Utah Territory, where said deeds of transfer are duly recorded, as provided Third—That upon the execution and delivery of the deeds of conveyance of said and land premises to the said de-fendants, Wm. B. Preston, Robert T. Burton and John R. Winder, as Trustees, as aforesaid, they entered upon and took possession of each and every of the parcels and tracts of land aforesaid, and have ever since held, and now hold the legal title and possession thereof in trust for the said Caurch of Jesus Christ of Latter-day Saints. Fourth-The said defendants, and each of them, jointly and severally aver, that they do not hold in trust, or otherwise, or possess any other real or personal property of, or belonging to said Church of Jesus Christ of Latterday Salats, save and except that which is hereinbefore described, and a piece of the aforesaid Lot six (6), in Block seventy-five (75), Plat A, Salt Lake City survey, described as follows: Commencing at a point ten (10) rods west of the northeast corner of said lot and running thence, south ten (10) rods: thence west seven (7) rods; thence north ten (10) rods; thence east seven (7) rods; which said piece of land was intended to be conveyed to these defendants. as Trustees as aforesaid, a: the same time and by the same deed as that which conveyed the east half of said lot to them. But the

Company, Albert Carrington, F. D. Killed by a Train. tichards, F. M. Lyman, H. S. El dredge, Joseph F. Smith, A"gus A horrible discovery was made ration, is f. M. Cannon, Moses Thatcher, John Tuesday morning by John Riberts, news stores.

R. Winder, Henry Dinwoodey, Robert T. Burton, A. O. Smoot and H. B. Clawson, defendants.

The Joint and several answer of the trai Pacific Rulirond west of Three erpetual Englating Fund Company, Bert Carringion, F. D. Richards, F. Mile Creek, he found the mangled re-Albert Carringion, F. D. Richards, F. M. Lyman, H. S. Eldredge, Joseph F. Smith, Augus M. Cannon, Moses That-cher, John R. Winder, Heury Din-wood & Robert T. Burton, A.O. Smoothest active county coroner, M. his term of office as such assistant woodev, Robert T. Burton, A. O. Smoot sent word Criteria and the solution of and H.B. Clawson, defendants to the bill L. Eusign, and that gentleman took of complaint exhibited against them in a team and Dr. Davidson, of B. igham s court by the United Statesres, pects | Civy, city marsha', David Rees, and a

These defendants now and at all jury out to the spot without delay fully shows t Second.—Said defendants, and each times hereafter, saving and reserving The body was and an inquest of them, jointly and severally aver that to themselves all manuer of exceptions was held.

ill contained, and praying the same incarly severed from his body; that his Stock of the East Jordan Brughtion Comtions to the many insufficiencies, un-

or otherwise, ef any property, real or of the State of Deserct, which was moving train. personal, of and belonging to the said af grwards or sailed as the Territory. The remains were gathered an and of Uran, presed an ordinance author- placed in a wagon and brought to Brig- defendant corporation. Third-said defendants, and each of Uran, presed an ordinance author-them biointly and severally aver that they have carefully read, and thorough-iy understand, the answer of the de-swer of these defendants is attached, and said defendants, and each of them, top i U an, presed an ordinance author-izerg the incorporation of the Pr-petual Emigrating Fund Company,which ordinance was afterwards, onthe 12th day of January, 1856, re-enact-ed and auchorised by an act of the Leg-istuive Assemption of the Territory of<math>top i U an, presed an ordinance author-petual Emigrating Fund Company,the 12th day of January, 1856, re-enact-ed and auchorised by an act of the Leg-istuive Assemption of the Territory ofUran, and that in pursuance of theperance of being that of a man aboutthe sight was fided of a man about<math>top i U an, presed an ordinance author-istuive Assemption of the Territory ofUran, and that in pursuance of thetop istended for a single fill the answer of them,<math>top i U and that in pursuance of thetop ist and severally here now a logi-top ist and severally berge now a logi-top ist and severally ber

ner M L Ensign washed and dressed the remains, procured a peat coffin in them severally, each and all of the so portion, and still continues to exnoon. The railroad authorities were communicated with by telegraph, describing the finding of the remains and

Third. These defendants admit that since been learned that the name of

sistants, and that the said persons

States Commissioner in Cache County. in pursuance of the powers conferred on Thursday, November 31, he held an examination at Logan of thatles Lowe Fourth. These defendants admit that IN THE SUPREME COURT OF THE TER- charter it has, from time to time, re- of Wellsville, on a charge of adultery. ceived donations in money and other Some people who thought they knew personal property, all of which it has, from time to time, expended for the us is and phryoses in the said charter something of the case felt some sutcharged the nefendant.

It is now reported that three lours corporation any real estate whatso-The late corporation of the Church of Jesus Carls, of Latter-day Saints, funds have been by it expended, as they which said notes are for the most part barred by the statu e of limitations, aucollectable, and of no value, and wholly worthless.

ton and John R. Winder, mide defenda-ants in the above entitled cause, now and at all times hereafter siving and reserving unto themselves flatty, and and advantage of exception which can of may be had or taken to the many gerors, uncertainties and other imper-territory of Utar, was a tampted by the act of the Legislature of the gerors, uncertainties and other imper-territory of Utar, was a tampted by the act of the many come on this aftersoon. In the mean, the provisional Government of the source of the many of may be had or taken to the many correct of the source of the provisional Government of the source Fifth Tuese defendants admit that

"DANIEL'S DREAM,"

No. 1, a Cartoon with a local appli-A horrible discovery was made leavion, is for sale at the book and

> DEATNESS fis cluses, and a new and supervise in Care at your deaf twenty eight years. Treated by most of the n-test specialists without benefit. Curred himself in three months, and since iten bundreds of others. Full particulars T. S. PAGE, No. 41 West flat St., New Tork City.

## NOTICE OF PUBLIC SALE!

THERE WILL BE SOLD AT PUBLIC

HENRY W. BROWN, Secretary E. J. I. Company, South Cottonwood, Oct. 24, 1887. 2. 1 # 2.11

N OTICE IS HIREBY GIVEN THAT at a meeting of the Trustees, held October 1-1, 1837, an assessment of Fifty Cent. per share was beyed upon the capital tock of the Corporation, payable on or he ore the 10th day of November, 1887, h Jesse W. Fox, Jr., at the Company's Office, Main Street.

Any size's upon which this assessment may remain unpaid an the 10th day of November, 1887, will be delinquent and advertised for which they were placed, and interred iss7, while delinquent and advertised for them in the cemetery Wednesday after- sale at public auction, and unless payment is made before, will be sold on the 50th day of November, 1857, to pay the delinquent assessment, together with costs of advertising and expenses for sale.

JESSE W. FOX, JR. Secretary.

The above assessment will not be delin ment until December Joth, 1887, and all Dequent Stock will be sold on the 30th day Decem er. 188 By order of the Trustees. JESSE W. FOX, JR.,

d&s in Secretary. 

LEGAL NOTICE.

examination at Logan of t hath's Low e In the Probate Court in and for Salt Lake County, Territory of Utah.

In the matter of the Estate of Anm Jenkins, Deceased.

prise, when the commissioner dis- Order appointing time and place for settie ment of final account and to hear petition for distribution.

before the opening of that examination, Mr. Goodwin presented his official bond in the probate judge's office, his sureties being the same Charles Lowe and one Frank Price—whose evidence for the defense in the ensuing examination was of the utmost importance.
These two circumstances of Lowe's signing Goodwin's lond and Goodwin's lond and Goodwin's releasing Lowe from the charge of adultery are not cited together as having any relation to each other. In fact, how could they be related? "Not by any means, on the constrary, quite the rewerse."
The it not the most common thing in before the opening of that ex- ON READING AND FILING THE PE-Is it not the most common thing in life for a judge to say to a defendant life for a judge to say to a defendant the heirs and devisees of the said Ann

ELIAS A. SMITH,

A Queer Combination. Mr. C. C. Goodwin is a noted United

constitute the officers of sa d corpora-

and John Taylor, late Lustee-in- | have b en contributed, and that at no Trust, and Wilford Woodruff, Lo- time has any fund remained on hand renzo Snow, Erastis Snow, Frank-lin D. Riemaris, Brigham Young, Moses Thatcher, Francis M. Ly-man, John Henry Smith, George W. Tastor, Heber J. Grant and John W. Tastor, ite Asdatant Trustees, and excertain property whatsoever, save W. Taylor, late Assistant Trustees-in-Trust of said corporation, Wil-liam B. Preston, Robert T. Burton which had been theretofore given to it oy emigrants in pay neut of advances made by the said corporation to them

William B. Preston, Robert T. Bur-

The United States of America, Plain-tiff, provided, but aver that it has never held or owned at any time since its in-

and harmony results in prosperity. plaint, or so much of said acts as at-The most intelligent and influential elements of our population, embraclug various shades of religious and political faith, have reached and are acting upon a firm conviction that the prosperity of the commonwealth, in every respect, requires cause of action

that the unscrupulous agitators who, in the hope of accomplishing certaia selfish ends, are willing to do immeasurable injury to the whole Territory, be robbed of their power to do evil and religited to obscurity.

Early in the present year it looked as if an era of great commercial activthe Territory. The attempt made by tiff any relief against these defendbusiness men to introduce the new order of things above alluded to, in- causes of demurrer, appearing in said spired capital with a confidence it had bill of complaint, the defendants de not felt in Utah for many years, and within thirty days more than a million shall be compelled to make any further dollars' worth of real estate was re- or other answer to the said bill of comported as having changed hands in plaint; and pray to be hence dismissed with their costs and charges in this this city

But the flow of this tide of confidence and prosperity has lately been suddenly stopped. The attempt to rob the "Mormon" people of their property, under the thin disgaise of an action to wind up the affairs of an ecclesiastical corporation, alleged to have been long is well founded in point of law. ago dissolved, is a sudden revival of the worst features of the agitation TERRITORY OF UTAH, which has so long held back the County of Salt Lake. ] ss. growth of this Territory. It is an event which reveals, in a somewhat startling manner, the fact that there action, and that the foregoing demurexists in Utab a clique which, as an rer is not interposed for delay. John R. WINDER. agency for evil, has gope so far in the overturning of constitutional rights to property as to create widespread distrust, and a general condition of things throughout the whole Territory, of a nature calculated to inspire timid capital with fear, and impel it to seek

elsewhere for safe investments. Tae appointment of a receiver in the Church suits will have a widespread and disastrous effect upon the business interests of this Territory. It der in the Church cases. As to the is a staggering blow to the commercial matter against the P. E. Fund Compaconfidence which was rapidly becom confidence which was rapidly becom ing so strong, and had already pro-duced marked and tangible results in raising prices, increasing the demand

raising prices, increasing the demand that matter, if your honors desire more for labor and swelling the volume of time. That case has not been fully trade. It is an event which shows that presented as yet.

a ring, comparatively insignificant inwe would ask that the signatures of numbers, is engaged in a determined defendants to the answers in the effort to rob the great majority of the Church cases be waived. We desire the record to show this. Territory's population of the property Court-Let the order be entered. held by them in all parts

of Utah, "and elsewhere," as the indefinite language of the decree has it The harm resulting to the business and by the developments in the Church suits caunct now be measured, but it is easy to see that it will be immense. The greatest good of all the population, save an insignificant fragment of it, who prate so much about a virtue of which they are destitute, yiz , patriotism, demands a suspension of the ruinous and senseless agitation that IN THE SUPREME COURT OF THE

tants, a very few years would work a marvelous transformation within its borders. Truth produces harmony, tempt or pretend to dissolve the said defendant corporation, or to interfere with or limit its right to held proper-interfere with or limit its right to ty, or which attempt to escheat the same or wind up its affairs are unconstitutional and void. Third. That said complaint does not state facts sufficient to constitute & Government of the United States of

and by its said bill of complaint made oristated such a case as entitles it. in a court of equity, to any discovery from these defendants, or either of them, or to any relief against them, or either of them, as to the matters contained in the said bill of complaint, or any of such-matters. And that said bill o complaint does not contain any mat-

ter of equity whereon this court can ants, or either of them. Wherefore and for divers other good demur thereto and humbly demand the judgment of this court, whether they

> behalf most wrongfully sustained. JAMES O. BROADHEAD, . E. MCDONALD, FRANKLIN S. RICHARDS, LE GRAND YOUNG,

vided

Attorneys and Counsel for defendants. I, Franklin S. Richards, one of the attorneys and counsel for the above named defendants, hereby certify that in my opinion the foregoing demurrer wit: FRANKLIN S. RICHARDS.

I, John R. Winder, being first daly sworn on oath, do say that I am one of the defendants in the above entitled Subscribed and sworn to before me this ninth day of November, A.D. 1887 J. H. MOYLE,

Seal ] Notary Public for Salt Lake. County. Judge Zine-The Court is of the opinion that the decaurrer of the res-

pondent to the complaint should be overruled. The reasons for this are given in the opinion filed on the motion to appoint a receiver. This is the or-

> two pieces of real estate described as follows, to-wit: All of Block eighty seven (87), in Pint A. Salt Lake City Survey, in Salt Lake County, Utan Territory. Commencing feur (4) rods north of the

southwest corner of Lot four (4), Block eithty-eight (88). Plat A, Salt Lake City Sur Mr. Richards-If the court please,

eithty-cight (SS), Flat A, Sait Lake City Sur-vey; thence north twenty-six (25) rods; theace east twenty (20) rods; thence south twenty-two and one half (23%) rods; thence west fourteen (14) rods; thence south three and one-half (35%) rods; thence west six (6) rods, to the place of beginning, containing two and 157–160 acres. That the plece of real estate first Judge Zane-The Court is of the opinion that the demurrer in the case bove described, to wit: All of Block

Eighty-seven (87) in Plat A, Sait Lake (ity Survey, was on the 19th day of February, 1887; and ever since the af the United States vs. P. E. Fund Company should be overruled. We have not examined it quite as care commercial interests of this Territory fuily as in the Churca case, but it year 1850 has been and now is used and occupied exclusively for purposes covers substantially the same ground. Mr. Richards-We also ask that the of the worship of God. Defendant further avers that the signatures to the answer in that case ouly piece, tract or parcel of real es-tate that it owned and held by and through Trustee at the time the sold act of Congress of March 3, A. D., 1887, took effect, which had been ac-quired by said defendant corporation subscenary to the passage and an e walved Judge Zane-Let that order be made, and leave be given to answer. THE ANSWERS in the cases were then filed as follows:

JAMES O BROADHEAD, J E. MCDONALD, FRANKLIN S RICHARDS, LEGRAND YOUNG, Solicitors for defendant corporation.

IN THE SUPREME COURT OF THE TER-

In Equity.

United States of America, plain.

The-late corporation of the Churchiol Jesus Christ of Latter day Saints, and John Taylor, late Truslee-in-Trust, and Willord Woodruff, Lorenzo Snow, Erastus Snow, Franklin D. Richards, Brigham Young, Moses Faatcher, Francis M. Lyman, John Henry Smith, George Teasdale, Heber W. Hrant and John W. Taylor, late Assist-ant Trustees-in-Trust of said cor-poration, defendants.

The joint and several answer of Wilford Woodruff, Lorenzo Snew, Erastus Snow, Franklin D. Richards, subsequent to the passage and ap-Brignam Young, Moses Taatcher, Francis M. Lyman, John flenty Smith,

therefrom.

unfied and repealed, and the corporation of the Perpetual Emigrating Fund Jompany was attempted and pretend-ad to be dissolved, and all of its prop-arry and assets in excess of its debts

and lawful claims were attempted aud pre-ended to be escheated to the United States, but three weeks. aver that the said act did not become

a law un'll the 3rd day of March, 1887. And your defendants aver that the said act did not, and could not law-Nov. 11th) fully dissolve or disiacorporate the said Perpetual Emigration Fund Company; that by the terms of the acts of incorporation hereinbelore ra-ferred to the said corporation was granted perpetual succession, and that by the acceptance of the said charter the said acts aforesaid became contracts between the incorporators of

said corporation, on the one part, and the Territory of U(ah and the United States on the other part; and your defendants further aver that it was not within the constitutional powers of

he Congress of the United States to repeal or annul the said chaiter, or to disincorpor to the said corporation its consent. without Further answering, these defendants aver that no power or authority existed in the Congress of the United States to escheat the property of said corpora-tion to the United States, and that so much of said act of March 3, 1887, as pretends or attempts to dissolve the said corporation or escheat its said property is contrary to the provisions of the Constitution of the United States in this behalf and absolutely

null and void. Sixth. These defendants deny that the charter of said corporation has been lawinily repealed, or that the

said corporation has been lawfully dissolved, but, on the contrary, aver hat the said coporation lawfully exists, and that its officers are right-fully eati led to exercise all the powers and functions granted to them by said acts of sincorporation in the oil of complaint mentioned. Seyenth-These defendants deny that since the 19th of February, 1887, ther-

has been no person lawfully authorized to take charge of the affairs or property of the said corporation, but, on the contrary, aver that there was a

on the contrary, aver that to be was a that time, and still is, a duly elected president of said corporation and duly elected assistants, all of whom have duly qualified in their said respective off es, and are authorized and empowered to take charge of any and all property and assets belonging to the said corporation should any exist.

Eighth-And the said A bert Car-rington, F. D. Richards, F. M. Lyman, H. S. Eidredge, Joseph F. Smith, Angus M. Cannon, Moses Thatcher, John R. Winder, A. O. Smoot and H. B. Clawson, each for himself, further answering say, that they and each o them have no individual or personal interest in any of the matters or things in the said bill of complaint con-tained, or any interest other than officers of the said corporation, and that they and neither of them have or hold for the said corporation, nor did they on the 19th of February. 1887, or the 3rd of March, 1887, have of hold any property, real, personal or mixed, whatever, save and except the promissory notes hereinbefore reerred to.

Ninth. And the said Henry Din-woodey and Robert T. Burton, each for himself, further answering said bill of complaint, aver and say that they are not now, nor were they on the 19th day of February, 1887, nor at any time since, assistants or other of icers of the said corporation of the Perpetual Emigrating Fund Company, nor did they then, nor have they since, held or owned any property, real or personal, in trust ar otherwise, for the said corporation.

swered fully the said bill of complaint or so much thereof as they are advised is necessary or material for them to





GLOVES, HANDKERCHIEFS and LACES, IN NEWEST GOODS and COMPLETE STOCK.

