

Such a display of grit as this was evidently more than the German had looked for, and after hemming and hawing a little he left without pressing his demands.

It may be remarked by the way, that Captain Colby is a short, slender young man of perhaps 30 years; does not weigh more than 130 pounds, and that his entire crew, including himself and the cook, numbered just eight men!

The next day after the inglorious defeat of the German man-of-war by eight unarmed Americans the *Nipsic* came into port, and Captain Colby at once reported the affair. Captain Mullan told the gritty seaman that he had done just right, and that he would protect him against any further aggression.

The *Constitution* remained in Apia harbor until February 13th. On the morning of that day a gale arose, which increased with such rapidity and violence that Captain Colby had no time to put to sea or take measures for protecting his vessel. The gale rose suddenly, and the first thing the crew of the *Constitution* knew that vessel dragged her anchor and was dashed on a reef, where the waves broke over her and threatened every minute to grind the ship to fragments and send every soul on board to the bottom.

The boats were smashed before they could be got out, and Captain Colby at once hoisted a signal of distress.

The German man-of-war *Olga* was anchored nearer to the *Constitution* than any other ship in the harbor, and the officers of that vessel plainly saw the plight in which the plucky Yankee captain and his crew were placed. Indeed, Captain Colby distinctly observed the German officers on the quarterdeck of their vessel watching the *Constitution* as she was beaten on the reef and the folds of the flag of distress were floated on the gale.

But did they offer to help the men who were in such imminent danger? Not they. Evidently they were only too glad to see the brave Yankee skipper who had defied them, in the jaws of death, and they did not so much as lift a hand to succor him. Instead of lowering a boat, or in any manner offering to help a brother seaman in distress, they contented themselves with quietly watching the efforts of the shipwrecked crew without a single move to render assistance. The *Nipsic*, however, saw the plight of the *Constitution* and the signal of distress, and dispatched her boats to assist her. They had the greatest trouble in getting alongside the stranded vessel, as there was a tremendous sea on, but finally they succeeded in getting all but the captain and first mate off the wreck.

These two men, having seen the crew all safe, were obliged to precipitate themselves into the boiling, yeasty waves, and managed to swim and keep themselves afloat until one of the *Nipsic's* boats picked them up.

At the same time that the *Constitution* was wrecked, two native vessels, the brig *Matutu* and the schooner *Tamassee*, were driven on the same reef and became a total

loss; their crews, however, escaping.

The *Constitution* was an old vessel. During the Rebellion she was in the naval service of the Union and afterward was brought to the Pacific Coast, her machinery taken out, and she was converted into a barkentine.

CARLSON'S CLAIM.

The case of Carl P. Carlson vs. Frank H. Dyer, Receiver of the Late Corporation of the Church of Jesus Christ of Latter-day Saints, came to an abrupt ending shortly after 4 p. m. March 14, soon after the hearing began. The plaintiff claimed that in 1864 he deposited with Joseph W. Young, as Church emigration agent, \$5000, and that now he wanted it back. The evidence was remarkable from the fact that it did not even tend to prove the allegations of the complaint, and when a promissory note signed by the plaintiff, for the expense of emigrating himself and family to Utah, was produced, showing that instead of his having deposited money with the Church agent he had received assistance from the agent of the P. E. Fund Company, the case of the plaintiff collapsed.

The first witness called for the plaintiff was

WM. W. TURNER,

who testified—I am a carpenter; came from England in 1864; met the plaintiff at the town of Wyoming, Nebraska, in that year; John Smith was captain of the immigrant company; we met Joseph W. Young, who had charge of the supply office for the immigrants; I only know he had charge of the store; I do not know whether or not the Church had an agent there.

MARTIN D. WARDELL

testified—I knew Joseph W. Young; I was here in 1864; in 1862 I was superintending the emigration for the Church; Joseph W. Young was in the south in 1864.

CARL P. CARLSON,

the plaintiff, testified—I came to Utah in 1864; I saw Jos. W. Young at Wyoming; he was in the office in the store—in the Church office; we remained there six weeks, then came on across the Plains; I do not know that Mr. Young was the Church agent; I believed he was such agent; it would be impossible for me to say he was such agent.

Mr. Winters asked a great many questions that the court ruled out because they had no relation to the issues in the case.

Mr. Carlson further testified—The Church made a request of us at Wyoming, Neb.; that is, some of the members did; Jos. W. Young made the request; I don't know that he reported his acts to the Church.

PALTZER JACOBSEN

testified—I live at Mill Creek; came to Utah in 1864; saw Jos. W. Young at Wyoming, Neb.; he preached to us; he told us what we should do in crossing the Plains; he directed our

arrangements there; wagons had been sent from Utah to meet us and bring us across the Plains; he told us he was acting for the Church; did not hear him make any request of us such as Mr. Carlson refers to.

Mr. Winters—I demand the records of this transaction.

Mr. Williams—There are none. This alleged transaction never occurred.

Mr. Winters—I demand the record of the appointment of Joseph W. Young as Church emigration agent.

Mr. Williams—There is no such record. He never was appointed—never was Church emigration agent.

Mr. Winters then asked Mr. Jacobsen a number of questions as to whether he gave his note to pay for his emigration. These were ruled out, as they had no bearing on the case.

CARL P. CARLSON

was recalled and testified—I signed a paper and gave it to Mr. Young.

Mr. Winters—I call on the defense for that paper.

Mr. Williams produced the paper. It is a promissory note, in which Mr. Carlson promises to pay the Perpetual Emigrating Fund Company \$412, the expense of emigrating himself and family. This note has never been paid.

Mr. Carlson then testified that he gave Mr. Young some money at the same time.

RECEIVER F. H. DYER

testified—I received that note as property belonging to the P. E. Fund Company; I have no records showing the appointment of Joseph W. Young as Church emigration agent; have some papers from him belonging to the P. E. Fund Company; he was in the employ of that company in 1864—at least his accounts look that way.

Mr. Winters—I was informed by one of my witnesses that he knew of the appointment of Mr. Young as Church emigration agent, but I find he was mistaken. I therefore ask that this case be continued.

Court—We cannot do that at this stage.

Mr. Winters—I ask to amend my complaint by substituting the P. E. Fund Company for the Church, as defendant.

Court—That is impossible. The P. E. Fund Company has rights, and a suit could be brought in the regular way. Have you any more to say?

Mr. Winters—No, sir.

Court—I will have to dismiss your complaint.

Mr. Winters—Well, I will get there yet!

MISCELLANEOUS.

A Railroad Adventure.

A correspondent, "Adios," writes as follows from Chattanooga, Tenn., under date March 9, 1889:

We arrived here all well and found our friends in the locality in the enjoyment of the same blessing. I will just relate an incident in our travels which was not of