

## THE P. E. FUND CO.

In the Supreme Court of the Territory of Utah. No.—of—Term. In Equity.

The United States of America, Plaintiff, vs. the Perpetual Emigrating Fund Company, Albert Carrington, F. D. Richards, F. M. Lyman, H. S. Eldredge, Joseph F. Smith, Angus M. Cannon, Moses Thatcher, John R. Winder, Henry Dinwoodey, Robert T. Burton, A. O. Smoot, and H. B. Clawson, Defendants.

The joint and several answers of the Perpetual Emigrating Fund Company, Albert Carrington, F. D. Richards, F. M. Lyman, H. S. Eldredge, Joseph F. Smith, Angus M. Cannon, Moses Thatcher, John R. Winder, Henry Dinwoodey, Robert T. Burton, A. O. Smoot, and H. B. Clawson, Defendants.

These defendants now and at all times hereafter, saving and reserving to themselves all manner of exceptions to the many insufficiencies, uncertainties and inconsistencies into said bill contained, and praying the same benefits of this answer as though they had pleaded or demurred to the said bill of complaint, for answer thereto or to so much thereof as they are advised is necessary or material for them to answer, answering say:

First—These defendants admit that on the 24th of September, 1850, the Assembly of the Provisional Government of the State of Deseret, which was afterwards organized as the Territory of Utah, passed an ordinance authorizing the incorporation of the Perpetual Emigrating Fund Company, which ordinance was afterwards, on the 12th of January, 1856, re-enacted and amended by an act of the Legislative Assembly of the Territory of Utah and that in pursuance of the provisions of the said ordinance and act the Perpetual Emigrating Fund Company was organized as a corporation and has exercised the powers conferred upon it by the aforesaid acts of incorporation.

Second—These defendants admit that the Perpetual Emigrating Fund Company was, on the 19th day of February, 1887, a corporation for the purposes expressed in the said acts of incorporation, and still continues to exist as a corporation, and aver that by virtue of said acts of incorporation it is entitled to and has perpetual succession.

Third—These defendants admit that Albert Carrington is the president of said corporation, and that F. D. Richards, F. M. Lyman, H. S. Eldredge, Joseph F. Smith, Angus M. Cannon, Moses Thatcher, John R. Winder, A. O. Smoot and H. B. Clawson are assistants, and that the said persons constitute the officers of said corporation.

Fourth—These defendants admit that in pursuance of the powers conferred upon said corporation by its said charter it has, from time to time, received donations in money and other personal property, all of which it has, from time to time, expended for the uses and purposes in the said charter provided, but aver that it has never held or owned at any time since its incorporation any real estate whatsoever; that the contributions to its funds have been by it expended as they have been contributed, and that at no time has any fund remained on hand for any length of time; that it did not, on the 19th day of February, 1887, nor on the 3rd of March, 1887, hold, own or possess any real or personal property whatsoever, save and except certain promissory notes, which had been theretofore given to it by emigrants in payment of advances by the said corporation to them to assist them in their emigration, and which said notes are for the most part barred by the statute of limitations, noncollectable, of no value, and wholly worthless.

Fifth—These defendants admit that on the 19th of February, 1887, an act was passed by the Senate of the United States, by which the ordinance of the Provisional Government of the State of Deseret, as re-enacted and amended by the act of the Legislature of the Territory of Utah was attempted and pretended to be disapproved, annulled and repealed, and the corporation of the Perpetual Emigrating Fund Company was attempted and pretended to be dissolved and all of its property and assets in excess of its debts and lawful claims were attempted and pretended to be escheated to the United States, but aver that the said act did not become a law until the 3rd day of March, 1887. And your defendants aver that said act did not, and could not lawfully dissolve or disincorporate the said Perpetual Emigrating Fund Company; that by the terms of the acts of incorporation hereinafore referred 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 Utah and the United States, on the other part; and your defendants further aver that it was not within the Constitutional powers of the Congress of the United States to repeal or annul the said charter or to disincorporate the said corporation without its consent. Further answering, these defendants aver that no power or authority existed in the Congress of the United States to escheat the property of said corporation 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 forfeit 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 lawfully repealed, or that the said corporation has been lawfully dissolved but, on the contrary, aver that the said corporation lawfully exists, and that its officers are rightfully entitled to exercise all the powers and functions granted to them by the said acts of incorporation in the bill of complaints mentioned.

Seventh—These defendants deny that since the 19th of February, 1887, there has been no person lawfully authorized to take charge of the affairs or property of said corporation, but, on the contrary, aver that there was at 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 offices, 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 Albert Carrington, F. D. Richards, F. M. Lyman, H. S. Eldredge, 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 of them have no individual or personal interest in any of the matters or things in the said bill of complaint contained, or any interest other than that as 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 day of February, 1887, or the 3d of March, 1887, have or hold any property, real, personal or mixed, whatever, save and except the promissory notes herein before referred to.

Ninth—And the said Henry Dinwoodey 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 officers 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 or otherwise, for the said corporation.

And these defendants, having answered fully the said bill of complaint, or so much thereof as they are advised is necessary or material for them to make answer to, pray that the prayer of the said bill seeking the appointment of a receiver to the said corporation be denied, and that they be hence dismissed with their costs in this behalf incurred.

FRANKLIN S. RICHARDS,  
Attorney for defendants.  
LEGRAND YOUNG,  
Counsel.

ALBERT CARRINGTON,  
F. D. RICHARDS,  
F. M. LYMAN,  
HORACE S. ELDREDGE,  
JOSEPH F. SMITH,  
ANGUS M. CANNON,  
MOSES THATCHER,  
JOHN R. WINDER,  
HENRY DINWOODEY,  
H. B. CLAWSON.

## IN PENNSYLVANIA.

Labors of Two Elders in Bedford County.

CLEARVILLE, Bedford Co., Pa.,  
September 26, 1887.

## Editor Deseret News:

Our arrival here was on the 2nd of August last. We remained a few days in the neighborhood without trying to get to preach, and every body knowing that we were "Mormons," they soon grew uneasy to hear us speak. Accordingly we were given the church in which to hold our first meeting, and the notice having been given out several days beforehand, the house was well filled. About an hour before meeting time an old gentleman was passing the house at which we were stopping first. He accosted us with "Good morning," then added, "Are you going to the Mormon meeting?" We informed him we had thought of going. At the close of the service all were exceptionally

## WELL PLEASED.

Many came up to shake hands, also numerous invitations were given us. And as concerning the sermon many such expressions as these were made: "That is the best sermon ever preached in Rock Hill church," "There was more Scripture explained there to-day than has ever been explained in it before since the church has been built," "I never did belong to any denomination, but if you were to stay here and preach I don't know but I would join your church myself," etc.

At our meetings, many remarks, expressions, queries, suspicions and the like have come to our notice and hearing. We had appointed a meeting at Clearville, but when the time came the door was closed through the objection of a minister. Among those gathered there happened to be "a veteran," as he styled himself. He called a vote of the people present to know whether we should go into the church. The vote was in the affirmative. He then continued: "I have seen too much smoke and fire of cannon to be scared at a minister."

We have met with some friends here. Many people have been sociable with us, and have expressed their desire to hear us further. Certainly it would be as contrary to custom for the ministers to rest day or night while the public was in this condition, as it would be for the sun to rise in the west. There have been newspaper reports warning us not to return to the township, and recommending the old remedy of

## TAR AND FEATHERS

if we did. In Clearville a literary society discussed the question, "Resolved," that Mormonism be abolished," and the resolution was carried. The ministers are not behind this society in the discussion, for they have already delivered a few sermons against us and have appointments for more. We happened to be present one evening, at one of these sermons, and after the meeting was out we went up and challenged the minister to prove in debate to the public the statements he had been making that Joseph Smith was an impostor. Although the people were anxious to hear the matter handled by their learned and able minister, he positively refused to do so.

One friend of ours informed us confidentially that he was told there were some who were talking of planning a mob, but we have not yet met them.

In this neighborhood, about forty-five or fifty years ago, there was an Elder Brown tarred and feathered. One of the mob yet living says he must have been a good man for he did not say a bad word all the time they had him in their possession. They also carried him on a rail a mile, or thereabouts, and when the pole grew hard one man took off his overcoat and gave it to the prisoner for a saddle.

It would appear that there are some sheep here from the howl of many wolves. There are some few investigating. We are not discouraged in our labors.

Your brethren in the Gospel of Christ,

JOSEPH BIDWELL,  
N. C. CHRISTENSEN.

## UBIQUITY OF THE JEWISH RACE.

It has been frequently remarked that the Jewish race has a wonderful power of adaptation to all climates. Jews are found in all parts of the globe, and seem to possess a remarkable facility for acclimatization, even under the most unfavorable circumstances. Mesopotamia is considered the mother country of the Abrahamic family, as well as the cradle of the human race. Some years ago a small colony of Jews was found in the ancient city of Senar, in the south of Mesopotamia and in the vicinity of ancient Babylon. Of the seventy families composing the colony, one claimed to be descended from King Joacim, the rest from the house of Levi. A colony of Jews appears to have settled in China about the beginning of the third century of the Christian era, under the dynasty of Han. In 1704, Father Gouzani, a Roman Catholic missionary, found seven Jewish families near Pekin. In 1680, a Portuguese Jew of Amsterdam, named De Pavia, discovered a sect of Jews in Cochín, China. According to a tradition preserved among them, they were descended from a tribe of Jews who had quitted Palestine on the destruction of the Second Temple. From their long residence in Cochín they had become completely bronzed. These are not the same as the Malabar Jews. The Jewish traveler Benjamin, sometimes called Benjamin the Second, discovered a colony of Jews, evidently of Persian origin, in Hindoostan. They were known as "Babylonian Jews," on account of their having migrated from Babylon. They observed the essential rites of Judaism, and strictly avoided intermarriage with other sects. In the beginning of the seventeenth century, a Jewish colony settled in Cayenne, in the West Indies, one of the most inhospitable climates in South America. Cayenne was subsequently conquered by the French, who made it a penal settlement, and the Jewish colony was forced to retire to Surinam. Notwithstanding frequent persecutions, Jews are still found in Persia, more especially to the south of the Caspian Sea, where the soil is very fertile but the climate very unhealthy. The principal city is Balprosh, where about 150 Jewish families reside in almost complete isolation. They trade with their brethren in Great Tartary, and are engaged in the wool or silk trade or in the sale of citrons. They, too, trace their origin from the Babylonian captivity, for, according to a tradition still possessed amongst them, their ancestors settled in Persia in the time of Nebuchadnezzar, and did not respond to the appeal of Ezra to return to Palestine. Their mode of life resembles that of the Persians in general. They hold the beard in high esteem, and wear long flowing robes. They had several synagogues, and obtain Scrolls of the Law from Bagdad. The celebrated African traveler, Mungo Park, found a colony of Jewish families in the heart of Africa, about eight hundred miles from the coast. It is no doubt this peculiarity of the Jewish race which induces a French writer on "Medical Geography" to express the opinion that, "It is questionable whether the crossing of human varieties confers on the issue constant advantages in the rela-

tion to the species; for the Jewish race seems in a wonderful manner capable of adapting itself to every change of climate, while others are scarcely able to bear the least change. The Jew is found in every part of the world; in England; from Norway to Gibraltar; in Africa, from Algiers to the Cape of Good Hope; in Asia, from Cochín to the Caucasus; from Jaffa to Pekin. He has peopled Australia, and has given proofs of his powers of acclimatization under the tropics, where people of European origin have constantly failed to perpetuate themselves."—*Jewish World*.

## CONFERENCE IN ALABAMA.

Twenty Baptisms Within the Last Half Year.

TRIMBLE, CULLMAN Co.,  
Ala., Sept. 27, 1887.

## Editor Deseret News:

During our late conference we had a time of rejoicing and a spiritual repast which will be long remembered by the Elders who participated.

Our first meeting was held at 11 a. m. on Saturday the 24th inst. There were present on the occasion, President John Morgan; Wm. J. Woodbury, president of the Alabama Conference, and of the traveling Elders, Redick R. and Reuben W. Allred, Geo. W. Baker, Jr., Arthur O. Lee, Amasa M. Rich, Horace Morrill, David T. Hlibbert and Hyrum B. Morris.

The Elders sang "Let Zion in her beauty rise," prayer offered by Elder Geo. W. Baker after which the Elders sang "The Day Dawn is Breaking."

President Woodbury explained the object of the conference and spoke very forcibly on the necessity of complying with the

## RULES OF ADOPTION

into the Church of Christ. Elders H. B. Morris, R. W. Allred, A. M. Rich and R. R. Allred spoke briefly upon the first principles of the Gospel.

President Morgan made a few closing remarks showing that condemnation comes through failing to keep the commandments of God, because we cease to progress.

The Elders sang "Hark listen to the trumpeters" and the benediction was pronounced by Elder A. O. Lee.

Sunday, 11 a. m. After singing, "When the Rosy Light of Morning," prayer was offered by Elder A. O. Lee. The Elders sang, "Redeemer of Israel." A few opening remarks were made by Elders Baker and Morrill, when President Morgan followed with an elaborate discourse upon the Universal Apostasy, and Restoration of the Gospel. The hymn, "O, Say What is Truth," was sung and the closing prayer was offered by Elder R. R. Allred.

Council meetings were held each day in which much good counsel was given by President Morgan. Throughout our conference the Spirit of God was manifested and we feel that we can go to our fields of labor with renewed energy to work for the salvation of the souls of men.

Elders Redick and Reuben Allred are released to return home with the November company of Saints.

## DURING THE LAST HALF YEAR.

there have been twenty persons baptized and seventeen children blessed as a result of our labors. New fields of labor are being opened and the fruits of our labors will probably be realized in the near future, as the spirit of investigation has taken possession of a goodly number of people who appear to desire the truth.

We occasionally receive some persecution, but we "think it not strange," for so it was of old; but as a rule we are treated with kindness and we feel to thank the Lord that we are called to labor with a people who are proverbial for their hospitality.

Ever praying for the welfare of Zion and the ultimate triumph of the cause of truth, I remain your brother in the Gospel covenant,

GEORGE W. BAKER, JR.,  
Clerk of Conference.

## FATAL ACCIDENT.

Frank Goodsell Literally Torn to Pieces.

A horrible accident occurred last Saturday at West & Co.'s saw mill, about twenty miles east of Franklin, whereby one Frank Goodsell lost his life in a most horrible manner. It appears that he was fixing a belt on the engine that runs the pump and by some means his jumper caught in the belt and he was revolved around the main shaft of the engine with great velocity until every bone in his body was broken, his legs torn off and his entrails scattered about in the most frightful manner. His heart was found in one place and his lungs and liver in another. The justice of the peace was notified but it was deemed not necessary to hold an inquest. The fragments were gathered together and placed in a coffin and delivered to his wife, who resides about half way down the cañon. By the way his wife is better known by the name of Ann Swanner and is well known in Smithfield. Mr. Goodsell was a good engineer and was well liked by every one who knew him. His employers speak well of him.—*Logan Journal*, Oct. 8.

The business of Louisville, Ky., increased \$32,000,000 in the first six months of this year.

## THE "CONTRIBUTOR."

The Eighth Volume Complete.

The eighth volume of the *Contributor*, just completed, is one of the finest representative volumes of home literature ever issued from the "Mormon" press. Its contents are almost entirely original and cover a range of subjects of unusual variety and interest. Among them are the following:

The historical series—The Rise and Fall of Nauvoo, has amassed an amount of new matter relating to the history of the famous city which at once attracts the attention and absorbs the interest of the student of Church history. The series would make an octavo volume of nearly 250 pages and is illustrated with twelve full page engravings, embracing over twenty scenes and the portraits of President John Taylor, Sydney Rigdon and Lucy Smith. "The Eastern Question"—articles by J. M. Tanner—has proved of great interest and value, containing an account of the political interests involved in the subject and well written descriptions of peoples and countries of the Orient.

Biblical Cosmogony by T. W. Brookbank, is a treatise on the formation of the earth sustaining the theory that science and the Bible agree. It is as complete an exposition of this theory as is found in many large and pretentious volumes; Electricity, by James E. Taimage, is a well written article, containing simple experiments illustrative of the force and application of this wonderful agent; Chinese Classics, by Apostle Moses Thatcher, presents the choicest quotations from the writings of Confucius and Mencius, the great Chinese philosophers, with a running and philosophic commentary by the compiler, of intense interest. These are among the most attractive papers in the volume; the Religions of Christendom—Faith, policy and work of the following churches: Episcopal, by Rev. E. D. B. Miller; Catholic, by Prof. John J. A. Becket; Methodist by Rev. T. C. Hiff. "Why I am a Mormon"—testimonies of O. F. Whitney and C. W. Penrose; Ten Short Stories by popular local authors; Original Poems by O. F. Whitney, A. J. Crocherson, Lu Dalton and Ruby Lamont; Comments of the Day—Timely Topics dwell upon by President Joseph F. Smith and Apostle F. M. Lyman; Epistle to the Young Men of Zion, by Wilford Woodruff.

Volume Eight will prove a valuable acquisition to every family library.

He's been snarled as a battle-scarred hero  
Who rejoiced in the cannon's sound;  
But his martial soul sinks to zero  
Whenever his wife is around.

For Years I have tried many remedies for Catarrh and could never find any relief till I used Ely's Cream Balm. I am happy to say that it has cured me. It is the best remedy known for Catarrhal diseases of the head.  
MICHAEL CLANCY, Ft. Assinaboine, Mont. Ty.

I Cannot help telling you how glad I am of your Cream Balm for catarrh. Was suffering terribly at the time it reached me and after trying everything I knew of put your medicine on trial and on first application I could notice relief, and in 5 days felt like a new man.—J. A. Belloli, San Jose, Cal.

Endorsement of a Leading Physician.

"I have used Darby's Prophylactic fluid extensively as a disinfectant and deodorizer, and find it an admirable preparation. Whenever there are offensive discharges from wounds, abscesses, etc., it is wonderful in its action. I consider it the best preparation I know as a gargle in diphtheria or scarlet fever." J. Creswell Lewis, M. D., Phila.

## DISEASE IMPOSSIBLE.

Yes, utterly "impossible," when all malarial poisons are driven out of the system, leaving the Blood New, Rich and Pure. No place for eruptions, ulcers, or Rheumatism, when all Blood taint has been eradicated by the use of

## BROWN'S SARSAPARILLA.

and Dandelion with Iodide of Potassium. Thousands of witnesses, among them the best Druggists and Physicians, testify to the wonderful cures wrought by

## BROWN'S SARSAPARILLA.

all diseases of the Blood, Liver, and Kidneys. Use only the BEST medicines.

## BEES FOR SALE.

AN APIARY OF THIRTY-SIX HIVES in good condition will be sold cheap for cash. The reason of selling, I am engaged in other business and I can't attend to them.

For price and terms write to  
JOHN DUNN,  
Tooele City, Tooele County, Utah.  
d s & w lm

## ESTRAY NOTICE.

I HAVE IN MY POSSESSION.

One blue roan STEER, 3 or 4 years old, illegible brand on left hip; no marks.  
One red line backed HEIFER, 2 years old; no brand or mark.

If not claimed before, will be sold to the highest bidder on Saturday, October 15th, 1887, at 10 o'clock a. m., at Herriman estray pound.

J. J. FREEMAN,  
Poundkeeper.  
Herriman, October 5, 1887.