

of said trustee and assistant trustees, which shall be recorded in the general church recorder's office, at the seat of general church business; and when said bonds are filed, and said certificates recorded, said trustee or assistant trustee may receive property, real or personal, by gift, donation, bequest, or in any manner not incompatible with the principles of righteousness, or the rules of justice; inasmuch as the same shall be used, managed, or disposed of for the benefit, improvement, erection of houses for public worship and instruction, and the well-being of said church.

SEC. 3. And be it further ordained: That, as said church holds the constitutional and original right, in common with all civil and religious communities, "to worship God according to the dictates of conscience;" to reverence communion agreeably to the principles of truth, and to solemnize marriage compatible with the revelations of Jesus Christ; for the security and full enjoyment of all blessings and privileges embodied in the religion of Jesus Christ free to all; it is also declared that said church does and shall possess and enjoy continually, the power and authority, in and of itself, to originate, make pass and establish rules, regulations, ordinances, laws, customs and ceremonies, for the good order, safety, government, convenience, comfort and control of said church, and for the punishment or forgiveness of all offenses, relative to fellowship, according to church covenants; that the pursuit of bliss, and the enjoyment of life, in every capacity of public association and domestic happiness, temporal expansion, or spiritual increase upon the earth, may not legally be questioned: *Provided*, however, that each and every act, or practice so established, or adopted for law, or custom, shall relate to solemnities, sacraments, ceremonies, consecrations, endowments, tithings, marriages, fellowship, or the religious duties of man to his Maker; inasmuch as the doctrine, principles, practices, or performances, support virtue, and increase morality, and are not inconsistent with, or repugnant to the Constitution of the United States, or of this State, and are founded in the revelations of the Lord.

SEC. 4. And be it further ordained: That said church shall keep, at every fully organized branch or stake, a registry of marriages, births and deaths; free for the inspection of all members, and for their benefit.

SEC. 5. And be it further ordained: That the presidency of said church shall fill all vacancies of the assistant trustees, necessary to be filled, until superseded by the conference of said church.

SEC. 6. Be it further ordained: That no assistant trustee or trustees shall transact business in relation to buying, selling, or otherwise disposing of church property; without the consent or approval of the trustee in trust of said church.

#### ORDER OF 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, and John Taylor, late Trustee-in-Trust, and Wilford Woodruff, Lorenzo Snow, Erastus Snow, Franklin D. Richards, Brigham Young, Moses Thatcher, Francis M. Lyman, John Henry Smith, George Teasdale, Heber J. Grant, and John W. Taylor, late Assistant Trustees-in-Trust of said corporation, Defendants.

Having duly considered the complaint addressed to the Judges of this Court, on behalf of the United States of America, presented by George S. Peters, the United States Attorney for Utah Territory, wherein the plaintiff in this action asks, among other things: That the defendants herein be required to answer fully the matters set forth in said complaint; that a decree be made declaring the dissolution and annulment of the charter of the corporation of the Church of Jesus Christ of Latter-day Saints, a corporation organized under an act of the Governor and Legislative Assembly of Utah, approved January 19th, 1852; and that a proper person be appointed receiver to take possession of, collect and manage all the assets, effects, accounts, evidences of indebtedness and all property, real and personal, of every description of said corporation, and to control the same under the direction of this court until disposition thereof according to law is made; and that this court appoint a commissioner to select and set apart out of the real estate which was held and occupied by said corporation, such real estate as may be held lawfully for religious uses; and it appearing to this court that the above mentioned complaint is in compliance with and conformity to Section 17 of an act of Congress of the United States passed on the 19th day of February, 1887, entitled an act to amend section fifty-three hundred and fifty-two of the revised statutes of the United States, in reference to bigamy and for other purposes, approved March 3rd, 1882.

Now, on motion of George S. Peters, United States Attorney, it is ordered, first: that the above mentioned complaint be filed with the clerk of this court, second: that a writ of subpoena, running in the name of the United States of America, properly attested, be issued by the clerk of this court, directed to each of the defendants in this action commanding them and each of them under penalty of attachment in case of refusal or neglect to obey, on the 15th day of September, 1887, personally to be and appear before this court and then and there to answer all and singular the matters of said complaint, and to stand and abide such order and decree as may be made by this court and shall be just and agreeable to equity; and let said subpoenas be served according to law, third: that the clerk of this court cause to be made publication of notice addressed to all persons who may have or claim to have any legal or equitable interest in or against the property and effects of said corporation or in any of the matters stated in said complaint,

of the presentation and filing of complaint herein, of the nature of the application therein made, of the purposes sought by and relief prayed for in the application, and of the time and place when and where the above mentioned complaint is to be answered and heard; and let such notice further state that all objections to the above application and all claims of every description in the premises must be presented in this court on or before the day fixed for the hearing of said complaint and the answers thereto; let this notice be published for a period of not less than thirty days in the Salt Lake Daily Tribune, a newspaper of general circulation throughout this Territory published in Salt Lake City and County in Utah Territory.

Dated this 30th day of July, 1887.  
By the Court.  
C. S. ZANE,  
Chief Justice.  
JACOB S. BOREMAN,  
Associate Justice.

The following are the provisions of law under which the foregoing proceedings are taken:

(From the Act of Congress, July 1, 1862.)

SEC. 3.—And be it further enacted, that it shall not be lawful for any corporation or association for religious or charitable purposes to acquire or hold real estate in any Territory of the United States during the existence of the territorial government of a greater value than fifty thousand dollars; and all real estate acquired or held by any such corporation or association contrary to the provisions of this act shall be forfeited and escheat to the United States. *Provided*, That existing vested rights in real estate shall not be impaired by the provisions of this section.

(From the Act of Congress of Feb. 19, 1887, known as the Edmunds-Tucker law.)

SEC. 17. That the acts of the Legislative Assembly of the Territory of Utah, incorporating, continuing, or providing for the corporation known as the Church of Jesus Christ of Latter-day Saints, and the ordinances of the so-called general assembly of the State of Deseret incorporating the Church of Jesus Christ of Latter-day Saints, so far as the same may now have legal force and validity, are hereby disapproved and annulled, and the said corporation, in so far as it may now have, or pretend to have, any legal existence, is hereby dissolved. That it shall be the duty of the Attorney-General of the United States to cause such proceedings to be taken in the supreme court of the Territory of Utah as shall be proper to execute the foregoing provisions of this section and to wind up the affairs of said corporation conformably to law; and in such proceedings the court shall have power, and it shall be its duty, to make such decree or decrees as shall be proper to effectuate the transfer of the title to real property now held and used by said corporation for places of worship, and parsonages connected therewith, and burial grounds, and of the description mentioned in the proviso to section 13 of this act, and in section 26 of this act, to the respective trustees mentioned in section 26 of this act; and for the purposes of this section said court shall have all the powers of a court of equity.

SEC. 13. That it shall be the duty of the Attorney-General of the United States to institute and prosecute proceedings to forfeit and escheat to the United States the property of corporations obtained or held in violation of section 3 of the act of Congress approved the 1st day of July, 1862, entitled "An act to punish and prevent the crime of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the Legislative Assembly of the Territory of Utah," or in violation of section 1890 of the Revised Statutes of the United States; and all such property so forfeited and escheated to the United States shall be disposed of by the Secretary of the Interior, and the proceeds thereof applied to the use and benefit of the common schools in the Territory in which such property may be: *Provided*, That no building, or the grounds appurtenant thereto, which is held and occupied exclusively for purposes of the worship of God, or parsonage connected therewith, or burial ground, shall be forfeited.

SEC. 26. That all religious societies, sects, and congregations shall have the right to have and to hold, through trustees appointed by any court exercising probate powers in a Territory, only on the nomination of the authorities of such society, sect, or congregation, so much real property for the erection or use of houses of worship, and for such parsonages and burial grounds as shall be necessary for the convenience and use of the several congregations of such religious society, sect, or congregation.

#### THE P. E. FUND COMPANY.

Proceedings by the Government to Wind up its Affairs.

THE COMPLAINT ALLEGES THE PROPERTY TO BE \$1,000,000.

In addition to the suit for the dissolution of the Church, filed in the Territorial Supreme Court to-day, Assistant Attorney Zane presented the papers in a suit for an order dissolving the P. E. Fund Company, and the placing of its funds in the hands of a receiver until the business of the com-

pany should be wound up. The allegations in the complaints are as follows:

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 and Albert Carrington, late the President, and 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, late assistants, defendants.

#### COMPLAINT.

To the Judges of the Supreme Court of Utah:

The plaintiff, the United States of America, by George S. Peters, the United States Attorney for the Territory aforesaid, who brings this suit by direction of Augustus H. Garland, Attorney-General of the United States, brings this its bill of complaint against the corporation known and claiming to exist as the Perpetual Emigrating Fund Company, and Albert Carrington, late President, and F. D. Richards, F. M. Lyman, H. S. Eldredge, Joseph F. Smith, Angus M. Cannon, Moses Thatcher, John R. Winder, Henry Dinwoodey, Robt. T. Burton, A. O. Smoot, H. B. Clawson, late assistants, being the late officers of the Perpetual Emigrating Fund Company, which was or claimed to be, and exercised the powers of a corporation created, organized and existing under and by virtue of an ordinance of the Provisional State of Deseret, re-enacted and ratified by the Legislature of Utah; and therefore the plaintiff complains and says:

The first to the fourth allegations in the complaint set forth the incorporating, by act of the Territorial Legislature, of the P. E. Fund Company, an association for charitable purposes, and the objects and officers of the organization.

Fifth—That the said corporation known as the Perpetual Emigrating Fund Company, acting and assuming to act under and in pursuance of the powers contained in its charter, by gift, donation, purchase or otherwise acquired, and obtained since the first day of July, 1862, and on the 19th day of February, 1887, held and owned large amounts of property, real and personal, goods, chattels, effects, accounts, obligations, bonds, mortgages and assets, the precise value and description of which the plaintiff is unable to state, but asks leave to prove, which on information and belief are of the value of about one million dollars.

Sixth—That on the 19th day of February, 1887, the Congress of the United States passed an act by which the ordinance of the Provisional State of Deseret as re-enacted and amended by the act of the Legislature of the Territory of Utah was disapproved, annulled and repealed, and the corporation of the Perpetual Emigrating Fund Company was dissolved and all its property and assets in excess of the debts and the amount of any lawful claims established by the courts against the same, were escheated to the United States.

Seventh—That notwithstanding the repeal of the charter and the dissolution of the corporation of the Perpetual Emigrating Fund Company, as stated and referred to in the sixth paragraph of this complaint, the said corporation and the officers aforesaid still claim to hold and exercise the powers contained in its alleged charter, and to hold and dispose of the property and assets which, on the 19th day of February, 1887, were held and owned by said alleged corporation, wrongfully and unlawfully.

Eighth—That since the 19th day of February, 1887, there has been and is no person lawfully authorized to take charge of, manage, preserve or control the property and assets which were of the corporation of the Perpetual Emigrating Fund Company, and by reason thereof all the property and assets which had been held, owned or possessed by the said alleged corporation on the 19th day of February, 1887, is subject to irreparable and irretrievable loss and destruction.

#### PRAYERS.

These are the same as in the suit against the Church, with the exception of the change of name where necessary. The document is signed by Geo. S. Peters, U. S. Attorney for Utah, and A. H. Garland, Attorney General of the United States.

#### ORDER OF COURT.

The order of the court is also substantially the same as in the proceedings against the Church incorporation, and fixes the date on which the defendants named in the complaint are to answer at September 15th, 1887. It is signed by Chief Justice Zane and Associate Justice Boreman.

The sections of the Edmunds-Tucker law under which these proceedings are had are as follows:

SEC. 15. That all laws of the Legislative Assembly of the Territory of Utah, or the so-called government of the State of Deseret, creating, organizing, amending or continuing the corporation or association called the Perpetual Emigrating Fund Company are hereby disapproved and annulled; and the said corporation, in so far as it may now have, or pretend to have, any legal existence, is hereby dissolved; and it shall not be lawful for the Legislative Assembly of the Territory of Utah to create, organize, or in any manner recognize any such corporation or

association, or to pass any law for the purpose of or operating to accomplish the bringing of persons in the said Territory for any purpose whatsoever.

SEC. 16. That it shall be the duty of the Attorney-General of the United States to cause such proceedings to be taken in the Supreme Court of the Territory of Utah as shall be proper to carry into effect the provisions of the preceding section, and pay the debts and to dispose of the property and assets of said corporation according to law. Said property and assets, in excess of the debts and the amount of any lawful claims established by the court against the same, shall escheat to the United States, and shall be taken, invested, and disposed of by the Secretary of the Interior, under the direction of the President of the United States, for the benefit of common schools in said Territory.

FROM MONDAY'S DAILY, AUGUST 1.

#### Arrested.

To-day Deputy Franks arrested Oluf Johnson at Union, Salt Lake County, on the charge of unlawful cohabitation. He will be brought to this city this afternoon.

#### Notice to District School Trustees.

Between the 1st and 8th of August the county superintendent will receive the trustees' annual reports and audit their accounts, at his office, 38 Fourth East Street, Salt Lake City.

#### Again at Liberty.

Yesterday morning Brothers Edward Schenfeldt and T. H. Morrison of this city were released from the penitentiary, where they have served a term of six months for living with their wives. They are in excellent spirits at again being free to associate with their friends.

#### Wounded by an Explosion.

David Edwards, of Samaria, on the morning of the 25th, while firing anvils, got badly wounded in the hand by the premature explosion of the anvils while he was pouring in a charge of powder. A small boy was injured, but not badly. Mr. Price, who came after Doctors Sherman and Drake, said Edwards' hand will have to be amputated at the wrist, probably.—*Idaho Enterprise*.

#### Successful Canal.

The people of Deseret, Millard County, have had many reverses in the attempt to put a dam in the stream from which they procure water for irrigation. But success has at length crowned their efforts, and they now have a large canal which is in successful operation. The grain crop was late in getting a start, but it will be a good one. A letter from "Desereter" conveys the above information.

#### Attractive to Settlers.

We extract the following from a letter written by A. B. C., dated Salt River Valley, Wyoming, July 26th: "Our valley can only boast of 57 souls at present, but we look forward to having our valley filled up with good Latter-day Saints in the near future. There are thousands of acres of the very richest soil, and plenty of water that can easily be taken on the land. The timber is inexhaustible. We have as fine wheat, oats, peas, potatoes, beets, onions and cucumbers as I ever saw in any country, and we have every reason to believe that this will yet be one of the finest agricultural districts in the mountains."

#### Blooded Stock.

A youth who signs himself "W. A. L." writes as follows: "Of late, I have noticed many letters in your valuable paper bearing on the question of 'breed stock,' written by some of our most prominent cattlemen. As a general rule they all play the same tune, namely, that of advising our farmers, and also town folks, to buy 'breed stock,' and improve our scrubs. I certainly agree with them on this point, but let us consider the case a little further. We all know our farmers are not millionaires, but on the contrary are, as a general rule, poor, and cannot pay the enormous prices asked by our importers for their 'breed stock.' I think if our stockmen, instead of talking so much about the people being asleep, would import a large number of breed animals, turn them out on a ranch in order that they might multiply, they (the stockmen) in a short time, would be able to sell the 'breed stock' much cheaper than now, and by so doing they would put money in their own pockets, and also benefit the farmer."

#### A Sad Bereavement.

Miss Mamie Salina Brown, of the 9th Ward of this city, whose sickness from diphtheria has already been mentioned in the News, died at 2:15 this morning after a few days' extreme suffering. She manifested the first symptoms of the disease on Tuesday last, upon which occasion she complained of a feeling of soreness in her throat while visiting at a relative's, and although the terrible malady developed rapidly in her system, being a girl of unusual strength and will power, and having a strong desire to live, she withstood its effects long after the attending physician gave her up to die.

Deceased was the daughter of Brother John Brown, Bishop's Counselor in the Ninth Ward, and his wife Sarah, who died some years since. She was born in the Seventh Ward of this city, October 4, 1870, and was a most promising young lady, beloved by all who knew her and the pride of the family who are now sorrow stricken and almost inconsolable at her death. We sincerely condole with them in their bereavement.

The funeral was set for 4 o'clock this afternoon, it being decided to hold no services except at the grave in consequence of the serious character of the malady from which she died.

#### THE ELECTION.

Both Parties are Polling their Full Strength.

To-day's election has aroused more interest among the people than any that has been held in this Territory. In one county and five districts for the Legislature the relative strength of the parties is nearly equal, while in all the others the People's Party are largely in the majority. In the close districts to-day a very heavy vote is being polled, up to 3 p. m., the proportion of registered voters that have cast their ballots being far ahead of any previous election.

In the five precincts of this city, both parties are developing their full strength. There are three tickets in the field "People's," "Liberal" and "American." The two latter belong to the same party, and are identical, the only difference being in the word noted. In Salt Lake County the "Liberals" are running Michael Gibbons for selectman, Hugh D. Rippet for treasurer, John W. Greenman for collector, and J. F. Millspaugh for superintendent of district schools. With the exception of Capt. Greenman, the candidates are comparatively unknown.

In the various precincts of this city both parties have committees who are working hard for the success of their respective tickets. The system of working seems to be pretty thorough, thought in the fifth precinct the People's Party men do not appear to be as well up in their business as their opponents. There is very little, if any, scratching being done on either side, both parties voting solid and "straight." The lines are very closely drawn, the "Mormons" voting for the People's candidates, while all others without exception sustain their opponents.

At the first precinct, at 1 p. m. 316 votes in all had been polled. The ballots on the Constitution will be counted by the judges there. Everything is proceeding quietly.

At 1:45, in the first precinct, 337 votes had been cast. The number registered is 537.

At the polling place in the Second Precinct, the County Court House, the scene was one of life, interest and animation all day. Both parties were working hard. Each had from twenty to twenty-five men with or without conveyances, hunting up voters and bringing them to the polls. Prominent among the workers for the "Liberal" ticket were A. H. Kelly, the book binder, and C. H. Parsons, the book seller.

At two o'clock Mr. Varian asked the election judges if they would be governed by a statement from the signal officer as to the hour of sunset, when the law requires the polls to be closed. He stated that almanacs differed. The judges answered in the affirmative.

In the Third precinct the People's Party had an easy walk-over. Up to half past one o'clock the voting was as heavy as when the ladies exercised the right of franchise, which fact shows how earnest the voters of the People's Party in that precinct are in the effort to prolong good government. Up to the hour named 323 votes had been cast, and of these less than ten per cent., and a number who had watched the polls thought not more than five or six per cent., were "Liberal." Everything had been quiet about the polling places, the Sixteenth Ward school-house, and only a few persons could be seen in the vicinity when a News reporter visited it. The vote of the precinct, however, will be very full.

At the Twentieth Ward schoolhouse, where the fourth precinct election is being held, there is considerable activity and all is peaceable. The People largely predominate in that district and are out in force. They have made sure the success of their candidates from that section.

The fifth precinct voters cast their ballots at the City Hall. During the day both tickets have been going lively. The only trickery indulged in up to 3 p. m. was on the part of a well-known "Liberal," who took a number of People's tickets and inserted the name of Thomas Marshall in place of John R. Winder, for Councilor, and distributed them about. How many were cast before the deception was noticed is unknown. There were several instances during the day where discussion grew pretty warm over challenges to soldiers who had registered. One of these was in the case of a man named Handy, who had enlisted in about 30 days after his discharge. He refused to be sworn and answer the questions of the judges, so his vote was refused. Some of the soldiers who were challenged were permitted to vote. At 3 p. m. the number of votes in this precinct had reached 500.