

the land, to wit: David P. Anderson, 29 acres in the n. w. $\frac{1}{4}$; Lorenzo S. Clark 26 acres in the n. w. $\frac{1}{4}$; James Briggs in the n. w. $\frac{1}{4}$; Robert Thompson, 15 acres in the n. e. $\frac{1}{4}$; and Angelo Bertignoli, 17 acres in the n. e. $\frac{1}{4}$; Henry Standish land in the southeast one-quarter, J. E. Edwards 18 acres in the northeast one-quarter, Charles Gongson with other parties, 120 acres in the southeast one-quarter, and James Watson five acres in the southeast one-quarter; and that they have been successful in raising lucern thereon sufficient to pay each well, the crops averaging from $1\frac{1}{2}$ to $2\frac{1}{2}$ tons per acre, selling from \$7 to \$8 per ton, the smaller crop of $1\frac{1}{2}$ tons to the acre being produced without artificial irrigation, the other with it. These persons, of course, hold the lands by no other title than that of occupancy, expecting, however, preference rights of purchase when the Territory shall have become a State and the reservation a grant. Bertignoli also testifies that on the land he has cultivated in the northeast quarter he has a garden in which he grows cherries, apples, pears, plums, apricots, strawberries and grapes, from which he realized upwards of \$1,500 during the preceding year. There is no doubt in my mind whatever on the question of the comparative value of the land, from the testimony adduced. As mineral land—even assuming land valuable for potter clays could be considered mineral—it has merely a theoretical or prospective value, necessarily dependent upon two things; first, that it contains a superior deposit, and this has not been proven; and second, that it could and would be used in such quantities to justify extraction of it sufficient to make it valuable to work exclusively for pottery purposes. It is hardly within the bounds of reason to claim that every cubic yard of clay in this 480 acres has an ascertained, practical and present value of 25 cents, and can be disposed of at such a price, as a paying business; and yet it is on just such reasoning that the mineral claimants hold that the land is worth \$2016 per acre. It has been held, moreover (6 L. D., p. 761, Demulplaur), that a deposit of brick clay will not warrant the classification of land as mineral, or entry thereof as a placer claim. The potter's clay in this tract, I am confident, does not differ very essentially from brick clay, and therefore I am inclined to sustain the letter of my predecessor to your office of March 12, 1891, in which he expressed his opinion that lands containing a deposit of ordinary potter's clay is not subject to entry under the mineral land law.

The value of the clay for the metal aluminum ought not to be considered at all. This metal exists in all forms of clay and its percentage in ordinary clays, found everywhere, is nearly if not quite equal to what is shown by the analysis made of the specimens submitted from this tract. (See Richards' Aluminum.) Because of its abundance generally in all lands containing clay or of a clayey nature, such lands cannot be held to be subject to disposal under the United States mining laws. It would work confusion if so held, for "it is estimated that in its various compounds aluminum forms about one-twelfth of the crust of the earth." (*Century Dictionary*.)

The true key to the controversy, it is reasonable to infer, is the proximity of the land to the city of Salt Lake, and its consequent value for building and town purposes. This section 16, as well as other sections in the neighborhood, appear to have been surveyed and subdivided into building lots, and the testimony of several real estate agents goes to show that, with legal title, the lands in the section would be worth from \$600 to \$1000 per acre.

I decide, therefore, from all the evidence, that the land in controversy is non-mineral in character, and subject to the general reservation in the organic act of Utah, for the benefit of schools, thus approving your decision and your action in rejecting the mineral application.

Give due notice hereof to all parties in interest and make prompt return.

Very respectfully,

THOS. H. CARTER,
Commissioner.

CURRENT COMMENTS.

The flour dealers in famine stricken Russia who have so adulterated the breadstuffs placed on the market by them as to render it dangerous to life and health are worse than ordinary murderers.

The class of people who are after the money kings in this country have been caught in Russian Poland hatching another plot to remove the Czar from this vale of tears. The information of the deep interest taken in him by the Nihilists must have a discomfiting effect upon the Emperor, who is having a distressful time all around.

The accident to Prince Christian, by which he lost an eye, from being accidentally shot by the Duke of Connaught, will elicit a good deal of sympathy. It is stated that he is able to walk about his room and is cheerful. Perhaps his good spirits under the loss of a member so precious is largely assumed, as a matter of courtesy toward the gentleman who was the unwitting cause of his injury.

The British lion is pawing the ground and switching his tail in the Pamir region. English troops have made another attack upon the Hunza and Nagar tribesmen, in the vicinity of Nilt. They carried another fort by assault, with a force of 100 men, and took 118 prisoners. The leading question in this dispute is, How much of this kind of work can be done by Great Britain before she is confronted by Russian troops? Russia, in a semi-official way, some months since, declared that if England interfered with her Pamir movements she would be met by actual force.

The Colorado and Utah Traffic Association has made a reduction in freight, to go into effect on January 1, 1892, as follows: Asphaltum in carloads from Utah common points, is reduced from 56 to 50 cents per hundred; sewer pipe in carloads from Colorado common points to Utah common points reduced 56 to 39 cents per hundred; a reduction of the rate on paper and other commodities is under advisement. Colorado-Utah common points

are to be applied to Golden City, via Denver, Lakewood and Golden road.

The defalcation, amounting to about 20,000,000 lire, more or less, in the manipulation of Peter's Pence, is a startling incident in the modern history of the Catholic Church. The defaultering dignitary—Monsignor Folchi—finds himself deservedly in an unenviable position, having been degraded by deposition from his office. He will hereafter, doubtless, be ostracised.

We do not believe that the efforts of the imperialists in Brazil will prove successful. The first statement made in reference to that country at the time that Dom Pedro was deposed, correctly, in our view, defines its present and future situation—it will be a republic or there will be anarchy. In our opinion there can be no resumption of imperialism, unless it be under the guise of a republican form.

There appear to be no insects on Garza, the alleged revolutionist. His adherents and influence are increasing, while his movements are remarkably eccentric. He is giving Mexico considerable concern, and no small anxiety is felt regarding him on this side the border. Why not get together a force of sufficient strength to sit down on him hard? Garza is not affected by either scruples or modesty. He informed the Mexican government that he would quit his present business of shooting and robbing provided he should be given \$10,000, or a Mexican consulship in the United States.

At Price, Utah, on Monday afternoon J. J. Kinsman was instantly killed by accident. Kinsman was a brakeman on Conductor Stewart's freight train, and was in the act of making a coupling when his foot caught in a frog, pinning him fast, while the parts of the train were approaching to be coupled. He made every effort to extricate his foot, but without avail. He was instantly killed. His body was horribly crushed and mangled. The deceased was a resident of Grand Junction, Colo., to which the body was conveyed last night on the east bound passenger No. 2. He leaves a wife and one child. The news, when broken to Mrs. Kinsman, prostrated her entirely. They have been married a little over a year.

We have received a copy of resolutions of respect to the memory of Brother Richard Harper, passed by a High Priest's Quorum, of which he was an exemplary member. Those who forwarded the document unwittingly made several omissions of essential particulars. The date when the death of deceased occurred is not given; neither is that on which the resolutions were passed, while the place from whence the communication came is not named. The absence of these particulars precludes the practicability of publishing the resolutions, even if it were otherwise advisable to do so.

John J. Lligman, the well-dressed and handsome man who called at the residence of Cornelius Vanderbilt on Saturday night and coolly stated that