

Register and receiver, Salt Lake City, Utah:—Sirs:—The record in this case was received July 11, 1896.

April 14, 1896, the Flodora Mining company filed in your office its application for patent for the Noble, Bismarck, Radazky and Blucher lode claims, which are embraced in mineral survey No. 3157.

Within the period of publication of the notice of said application, E. J. and M. F. Raddatz, claiming the Beecher lode claim, offered to file its adverse claim.

The pleadings in the matter of the adverse claim are in due form, but you rejected the adverse claim for the following reasons: You are hereby notified that your said alleged protest and adverse claim is hereby rejected for the reason that the certified copy of location notice of the said Beecher lode shows that the claim was located on June 15, 1893, the claim being situated on Fort Crittenden military reservation, abandoned, which was not open to such appropriation prior to April 9, 1895." (See the honorable Commissioner's letter of that date.)

From your decision rejecting said adverse claim, the adverse claimants have taken an appeal, alleging:

First—The register and receiver erred in rejecting said protest and adverse claim because their action is contrary to the law and facts.

Second—They erred in holding that the land in Fort Crittenden military reservation (abandoned) was not open to appropriation and mineral location prior to April 9, 1895.

The Fort Crittenden military reservation was placed under control of the honorable secretary of the interior by executive order, dated July 22, 1884, which was issued pursuant to the provisions of an act of Congress provided for the disposal of abandoned and useless military reservations, approved July 5, 1894. (23 U. S. statutes, 103.)

From the letter "E" of April 9, 1895, to which you refer, I quote:

"The records of this office do not show that you have heretofore been furnished with copies of executive orders of July 2, 1885, and July 22, 1884, or so much thereof as relates to the military reservations of Forts Cameron, Crittenden, Rush Lake valley and Thornburg, in Utah, which were transferred to the control of the secretary of the interior for disposal under the act of July 5, 1884.

"You will note the action taken as per copies of executive orders herewith, upon the proper records of your office, and acknowledge receipt thereof."

Your rejection of said adverse claim appears to be based upon the opinion that the location of the Beecher lode claim was not valid, because the land covered by it was not at date of the location subject to location under the mineral land laws.

As I view this case, it is not proper for this office at this time to render a decision upon the validity of the location of the Beecher lode claim. If it were proper to decide that question, the decision in the case of William Coppinger et al (22 L. D., 597), would not be regarded as inapplicable.

Whether the location of the Beecher lode claim was valid when made, and whether the location obtained thereby substantial legal rights, are questions within the jurisdiction of the proper court to determine in a suit regularly brought under the provisions of section 2326, U. S. Revised Statutes.

Therefore, your decision is hereby reversed, and in case this decision becomes final, the papers pertaining to said application for patent and said adverse claim will be returned to your office for appropriate action thereon.

Notify all parties in interest hereof, and at the proper time transmit evidence

of service, together with all papers filed and your report, 5 L. D., 204.

Very respectfully,
S. W. LAMOREUX,
Commissioner.

ITEMS OF HISTORY.

VICTOR, Ravalli County,
Montana, August 30, 1896.

Some time ago I saw a piece in your paper referring to the veterans of the Black Hawk war, I thought then that it only concerned those who were soldiers. Seeing another piece last week on the same subject I thought I would write a few, and if our lives are spared we hope to come to Utah again and may perhaps be able to be present at some future reunion.

Myself, husband and one child left Moroni, Sanpete county in the spring of 1865, to assist in opening up a settlement in Sevier county, of which Wiley Alfred was presiding Elder. I think it is now called Mouree, we came away in the fall of the same year and stayed at Fountain Green; moved to Moroni in the spring of 1866 and helped to build a fort; came back and helped to build another at Fountain Green; stayed there till the summer of 1869, when we went to Millville, Cache county. We lost some borned stock, sheep and chickens during the war. The following brethren and their families were on the Sevier at the same time we were, but I do not know whether they are now living or where they are: Matthew Sinclair, Thomas Hunt, John Knighton, Israel Bale, James Crawford Sen., George Crowther, John Sims, Walter Jones.

My husband's name is George D. Waylett. He with Charles Longson, George Bradley, Cornelius Cummins, and Joseph Shepherd, were the first settlers in Moroni, and in 1861 he drove a team across the plains in Captain Murdock's company. He came to Utah in 1857 in Israel Evans's handcart company.

MRS. M. WAYLETT.

OBITUARY.

David John returned from Goshen Monday forenoon, where he had attended the funeral of Elder John Morgan, one of Utah county's leading citizens, who died last Friday afternoon at 8 o'clock. The deceased was born in Merthyr, South Wales, February, 22, 1833, and became a member of the Church of Jesus Christ of Latter-day Saints December 16, 1850. He emigrated to America in the spring of 1854, and was married to Emma Richards in Kansas City, Missouri, May 1, 1854, while they were on their way to Utah. He arrived in Salt Lake City on the 5th of October of the same year, and shortly after settled in what is now known as Cedar City in Iron county. He was one of the first settlers there, and fenced the first city lot in the place. After living there three years he moved to Beaver, where he lived for two years. He then moved to Goshen valley and was among the first settlers of that locality. He has taken a leading part in the development of the county, and has been prominently identified with all movements having for its object the financial and religious progress of the community. He has

been a teacher in the Sunday school for twenty years, and was at the head of the theological class at the time of his death; while he resided in Goshen he also filled a mission to his native land. He has suffered from heart trouble for nine months past, and for three and a half months previous to his death was confined to his bed. During his illness he manifested great patience and endurance.

The funeral services were held Sunday, at 2 o'clock in the largest hall in the place, and were well attended by the people of Goshen and adjoining towns, both members and non-members of the Church turning out in large numbers to pay their last tribute of respect to the departed.

Sunday evening another old veteran passed away in this city, Wm. M. Fausett. Elder Fausett was born in Kentucky January 7th, 1806. He joined the Church in Missouri in 1837, and has been a faithful Latter-day Saint since that time. In 1846 he was ordained a Bishop in Winter Quarters and presided over one of the wards there till 1848, when he moved into Iowa, and presided over a ward of the Saints till 1851, when he came to Utah, in October. He moved to Provo shortly after his arrival and has made Provo his home since that time. He presided as Bishop over a ward, here, till 1868, when he resigned. Elder Fausett was a modest, kind-hearted, honorable man, who made friends of all who came in contact with him. He leaves a large posterity, numbering nearly 300 souls, among whom are twenty great, great, grandchildren. He has been feeble, physically, for several years, but has been able to walk around, and was a constant attendant at meetings. He suffered for some days before his death from a bowel complaint, which was the immediate cause of his death.

NOTES.

DENVER, Sept. 5.—Salt Lake City was chosen as the location of the next national Elsteddfod. The receipts of the festival, ended last night, were about \$15,000, and the expenses about the same.

An unknown tramp was run over in the Union Pacific railroad yards at Echo Tuesday evening and so badly mangled that death resulted within six hours. There was not a scrap of paper about the man's clothing to tell who he was or where his folks resided. The man was evidently intoxicated to the rear of the depot and fallen asleep. No blame can possibly attach to the crew or to the company.

Foreman Rich of the stables at camp No. 4 in the Ogden canyon suffered an accident Sunday evening which may cost him his life. He was returning from the stream to the stable after watering one of the horses when the animal began rearing and kicking. Rich was struck on the neck and head by one of the hind hoofs—the blow nearly severing the ear from the skull. He was seized and rendered momentarily unconscious. Dr. Joyce was summoned and the wound was attended to. It was at first thought the skull was fractured and if such is the case the danger of fatal results has not altogether passed.