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**Fine Cassimeres, Cloths and Trimmings**

On hand for Gentlemen ordering their own.

First-class Fitters and Workmen to fill all orders promptly.

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Patent Medicines,

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**THE GENUINE****PITT'S IMPROVED****THRESHING MACHINE,**

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It is conceded by manufacturers and threshers that the Improved Pitt's Threshing Machine has no rival as a successful and economical Thresher and Cleaner. That it is at least as good as any built, and far superior to the majority that are now being offered as the best in the world. It was awarded at the world's Fair, in France, a GOLD MEDAL OF HONOR. Also, at every exhibition, when brought into competition with other machines, its superiority has been universally acknowledged, and in nearly every instance the first premium has been awarded to it.

We say to the friends of the Pitt's Machine to be sure and get one manufactured at the Dayton Threshing Machine Works, Dayton, Ohio.

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**The Most Successful**

Popular and Perfect

**COOKING Machines**

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Are our well-known



Being of the Simplest Construction, are easily managed and guaranteed to give Entire Satisfaction!

As no article in the household has a greater influence in promoting the health, comfort and happiness of the family circle than the Cook Stove, it is Economy as well as Policy to get the Very Best; and in buying the Charter Oak, you can rely on getting the Most Successful, Popular and Perfect Cooking Stove ever made. Sold by

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ST. LOUIS, MO.,

And all live Stove dealers like

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And

J. M. ALLEN & CO.

Salt Lake City.

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THE following correspondence is of importance to the people of this Territory, and should be perused by all. It will shortly be followed by something more on the same subject, which will be found equally worthy of perusal. The high standing of the writer is sufficient guarantee of the soundness of the views enunciated:

SALT LAKE CITY, April 26th, 1871.

Editor Deseret News:—SIR.—A short time ago, a notice appeared in the Herald of this city, of which the following is a copy:

**NOTICE**

To Persons Cutting Timber on Government Lands.

Notice is hereby given to all persons who have been trespassing upon Government Lands in Utah, by cutting timber of any kind without authority, and in no case has authority been given except in the cases of homesteads and pre-emptions, covered by D. S., where the parties are authorized by law to cut timber for their own use upon their farms, and for no other purpose, that they are required, without delay, to appear before the Register and Receiver, and make payment therefor, in accordance with instructions of Commissioner to Register and Receiver, dated Nov. 4, 1870, heretofore published in the Salt Lake Herald.

Those failing to comply with this notice will be proceeded against in accordance with law, as per circular, dated Dec. 24, 1855, and the said instructions of Nov. 24, 1870. And those continuing to cut said timber without authority will be prosecuted criminally.

GEO. R. MAXWELL, Register;  
G. B. OVERTON, Receiver.

Soon afterward my attention was called to it, and, as I have been an inhabitant of this Territory for a period of about twenty years, well acquainted with the aspect of the country, and the condition and necessities of the settlers, I deem it a duty to notice it in this public manner.

One day last week I called in Mr. Maxwell, from whom I obtained a copy of the circular of December 24, 1855, and a copy of the instructions of November 4, 1870. The Circular and Instructions are as follows:

**[CIRCULAR.]**

GENERAL LAND OFFICE,  
December 24th, 1855.

GENTLEMEN:—The Secretary of the Interior has concluded to change the present system of timber agencies, and to devolve the duties connected therewith upon the officers of the local land districts. By his directions, therefore, you will, upon the receipt of these instructions, take charge of the timber business within the limits of your land district as a part of the general duties of your office; and it is accordingly hereby assigned to you as such, with the understanding that, hereafter, it is to be considered and held as a proper incident to, and in fact a part of, your general duties, covered and satisfied by the salary which the law provides for your respective offices.

That you may understand the nature of this part of your duties, your attention is directed to the following:

1st. Attorney-General Wirt, in an opinion on the 27th of May, 1821, holds as follows: "Independent of positive legislative provisions, I apprehend that, in relation to all property, real or personal, which the United States are authorized by the Constitution to hold, they have all the civil remedies, whether for the prevention or redress of injuries, which individuals possess. (Sec. 3 Wheaton, 181.) So the United States being authorized to accept and to hold these lands, for the common good, must have all the legal means of protecting the property thus confided to them that individuals enjoy in like cases. They are, therefore, in my opinion, entitled to the injunction of waste by way of prevention, and to the action of trespass by way of punishment, in like manner as individuals, similarly situated, are entitled to them."

2nd. Attorney-General Taney, now Chief Justice of the United States, in an opinion of August 22d, 1833, cites this opinion of Mr. Wirt, and concurs in it.

3rd. Attorney-General Mason, in a communication of the 16th of July, 1845, refers to the opinion of Attorney-General Nelson, of the 11th of August, 1843, and, in concurring in it, states that, "when the right of pre-emption exists, the settler who has complied with the provisions of the Act of the 14th of September, 1841, has a right of occupancy for twelve months, within which he may perfect his title by paying the minimum price of the land. Like the settlers of the armed occupation Act, his right is inchoate only; and he has only those rights of property which are necessary to the perfecting of his title. He may clear the land, build on it, and enclose it, with a view to cultivation. For these purposes, he may use or destroy any trees which may be necessary, but within these restrictions and necessary firewood, he is confined."

The penal act of 2nd March 1831, provides "for the punishment of offences committed in cutting, destroying or removing live oaks and other timber or trees preserved for naval purposes." This act of 2nd March 1831 you will find fully considered in the case of the United States v. Ephraim-Briggs (9 Howard p. 35,) in which the Supreme Court decided that the said act authorized the prosecution and punishment of all trespassers on public lands by cutting timber whether such timber was fit for naval purposes or not.

4th. Under no circumstances will you compound or compromise with any such trespassers or receive any pay or compensation from them as acquittal or discharge therefrom, or in any other manner; neither will you give any permission to cut timber or otherwise trespass on the public lands, as there is no authority for any such proceedings; but all such offenses against the law, must be prosecuted and tried by the authorities duly constituted for that purpose.

5th. Should you find such trespass committed on swamp lands, or those which are rendered unfit for cultivation by overflow, you will take no further action than to notify the Governor of the State, as all such land inure to the State under the act of 28th September, 1850.

6th. In the enforcement of the said act of 1831 you should be careful not to interfere with pre-emption rights under the act of 4th September 1841, the settler with a view of cultivation, having the right, as herein-before indicated, to use or destroy trees in clearing roads, and constructing bridges or for any other purpose connected with the improvement of his homestead.

7th. While thus liberal to the honest settler, you should be vigilant to detect and arrest the speculator, who, in the guise of a settler may

contemplate the spoliation of timber, and unless arrested might injure the public interest.

8th. When the trespassers are unknown or known, and the timber has been cut or removed off the public lands, you will cause it to be seized and sold at auction to the highest bidder under such regulations as sound discretion may suggest.

9. All moneys, the proceeds of the sale of timber received by you, must be deposited in some of the United States Depositories to the credit of the Judiciary Fund, without abatement and an immediate report made of the same to this office with a full statement of all particulars, duly verified.

10th. In the prosecution of your duties, you may, upon any pressing emergency, deputize a reliable person to investigate and report the facts involved in any supposed case of trespass and allow a per diem of three dollars and mileage at the rate of ten cents per mile.

In making any such appointments you will report the fact instantly and the necessity for it, and will require in the affidavit of the employee, a statement of the time actually occupied in the service and the distance traveled.

An account verified by the party and certified by you should be reported to this office for payment. When there is no pressing emergency for the appointment of an agent you will refer the facts to this office for consideration and await instructions.

11th. In returns to this office of sales of timber you will be careful to designate the places of seizure, the quantity and kind of timber, whether in logs or manufactured, the price per foot with the names and residence of purchasers, and cause the same to be verified by a certificate from the parties making the seizure and sale.

12th. You are directed to make a report at the end of each quarter the first to be rendered on 1st April next of the proceedings of your office pursuant to these instructions and showing the operation of this system as preventive means also the number of acres entered by trespassers through its constraining influence.

You are requested to acknowledge the receipt of this and advise me of such preliminary steps as you may take, with a view to a compliance to the foregoing instructions.

Very respectfully,

Your obedient servant,  
THOMAS A. HENDRICKS,  
Commissioner.

Register and Receiver.

**[INSTRUCTIONS.]**

DEPARTMENT OF THE INTERIOR GENERAL LAND OFFICE, Nov. 4th, 1870.

REGISTER AND RECEIVER,

SALT LAKE CITY,

UTAH TERRITORY.

GENTLEMEN:—In reply to your letter of the 12th ult., I enclose herewith a copy of our circular of the 24th December, 1855 containing general instruction to the Registers and Receivers of the District Land Offices for the protection of the public timber in their respective Districts.

There is no authority of Law to permit any one to cut timber from the public lands for the purposes of speculation or sale.

Parties who have made settlements under the pre-emption and homestead laws, are entitled to cut and use the timber on the lands embraced in their settlements to the extent necessary for domestic purposes, for clearing, building, fencing, fuel, etc., but not for sale until the former case, they have proved up and entered the land, or in the latter after five years continuous settlement and cultivation, have made the proof as required by law, and obtained their final certificates.

You will discharge with energy the duty devolved upon you by the enclosed circular, having due regard to the rights of homestead and pre-emption settlers, and to the circumstances of the community requiring a supply of timber for mining, manufacturing, and other business purposes. In cases where timber may be cut from the public lands, and extenuating circumstances exist, you are authorized to compromise with the parties committing the trespass on their paying all expenses incurred and a reasonable stumpage to be fixed by you according to the condition of the worker, but not to fall below the minimum rate of \$2.50 per m. feet. When objection is made to the rate fixed under this rule, the matter may be submitted to the Judges of the Supreme Court of the Territory, in which case you will be governed by their decision as to the stumpage to be exacted. In cases where no compromise is made, you will seize the timber, cut on the public lands, wherever found and identified on sufficient proof and sell the same, after due notice, at public auction, to the highest bidder for cash, furnishing the names of the trespassers, and the witnesses by whom the offense can be established, to the District Attorney in order that, if deemed expedient, he may proceed against the trespassers according to Law.

You will report to this office the cases acted upon, describing in each, the public land from which the timber was cut, the quantity of timber, amount of stumpage paid, and when submitted to the Court, that fact will be stated with the decision rendered.

All moneys collected, either on account of timber sold, or stumpage in compromised cases, you will deposit without abatement with the nearest United States Depository to the credit of the Judiciary Fund, taking triplicate certificates of deposit therefor, the original of which you will send to the Secretary of the Treasury, the duplicate to this office, and retain the triplicate, and you will submit an account showing all receipts and expenses on account of the timber business to this office for adjustment.

I return herewith the paper you enclosed.

Very respectfully,  
Your obedient servant,

JOSEPH S. WILSON,

Commissioner.

By the circular, it appears that, in the opinion of Attorney Generals Wirt, Taney and Mason, those eminent lawyers, the United States, like individuals, may maintain a civil suit for damages against any person who enters upon its lands, and cuts and carries away timber, or does other damages; and that it may resort to a writ of Injunction to prevent waste.

No clearer principle of law exists, or one that has more sense or sounder logic to sustain it, than that an individual owning land may maintain a civil suit for damages against another person who without his authority, expressed or implied, enters upon it and cuts and carries away timber, wood, or other vegetable matter, or digs and carries any minerals or soil, or diverts a stream of water from its natural channel; or does other damage. So strong is this principle that, if he even enters upon the land without authority, though no actual damage be done, a suit may be maintained. This principle needs no statute to sustain it; it has its foundation in the right to ac-