

DESERET NEWS

WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - MAY 22, 1878.

"LAND JUMPING."

OGDEN has been quite excited for several days past over the course pursued by the Postmaster of that city, Mr. L. B. Stephens. An indignation meeting was held in the City Hall on Monday evening last, when resolutions were adopted of a very stringent character, denouncing his conduct and calling upon the authorities at Washington for his removal.

The facts in the case are these: Mr. Stephens and a few other persons in Ogden, some time ago formed a small ring, with the object of "getting around" the claims of some of the old settlers to lands that they had claimed and cultivated for many years. Search was made through the local and Land Office records, for the purpose of finding some flaw in the title to those lands, that these designing persons might have an opportunity to "jump" them. Stephens succeeded, as he thought, in finding a quarter section of land within the corporate limits, entry of and payment for which was not duly recorded. The City claimed this land, and had sold out portions of it to new settlers, "Mormon" and "Gentile," for building lots. The Postmaster was aware of all this, yet he entered and took possession of this quarter section, built a house upon it costing several hundred dollars, and regardless of the possession and titles of the various claimants to portions of the property, endeavored to grab the whole one hundred and sixty acres.

But he was not satisfied with this. East of the city, near the base of the mountains, are several farms, watered by springs that break out in the vicinity, and by small streams that trickle down from the ravines. One of these is owned by Mr. W. R. R. Stowell, and has been occupied for twenty-five years. When the land came into market, Mr. Stowell homesteaded his farm, except about eighty acres, which was so situated in a nook of the mountains that the lines of the government survey left it out. He was informed on inquiry at the Land Office, that not being surveyed, he could neither homestead nor pre-empt that piece, but the only way to secure a title was by entering it under the Desert Land Act. He could not do this, because he would have had to swear that it was incapable of producing a crop without irrigation, and he had been cultivating about half of it for many years. Now Stephens, finding this piece vacant on the plat, actually filed on it under the Desert Land Act, and thus attempted to deprive the lawful claimant of his squatter rights, and at the same time defraud the government.

No wonder that the people were indignant at these proceedings, which were aggravated by the boastful attitude of the "jumper," who claimed to be a personal friend of President Hayes, and talked of "running the Mormons," in a manner very unwise in any person, and very improper in an official who has so much to do with the public of all creeds and parties.

Now the avowed anti-"Mormon" Postmaster is in a very unenviable position. The city holds a clear title to the land on which he has built his house. It was duly and lawfully entered and paid for by a gentleman, named Cunningham, who received the government patent therefor, and afterwards sold it to the city, giving a warranty deed, which was properly recorded. The record of Cunningham's transaction has been seen in the Land Office in this city, the patent is now in possession of the Ogden city authorities, and if the transaction does not now appear of record at the Land Office there must have been some underhand work trans-

acted, which has yet to be uncovered and exposed. But no matter what this may have been, Stephens, like many persons who pride themselves upon their extra smartness, has overreached himself, and the house he has built stands on land to which he has not the shadow of a title.

Further, the piece he has recently filed on as "desert land" has now growing on it wheat, oats, lucerne and common grass, and, in consequence of the springy nature of a portion of it, actually has to be drained! If anyone but a "Gentile" postmaster and a friend of Hayes had done as Stephens has, the action would be denounced as infamous and the perpetrator would be prosecuted for perjury.

An attempt is being made to cover up these misdoings, by the cry of "Mormon" opposition to "Gentile" occupation of land in Utah. This cry has been many times used for a similar purpose, with as little foundation for truth as in this instance. The movement arranging the indignation meeting referred to did not originate with "Mormons," and some non-"Mormons" are owners of a portion of the land which the Postmaster has tried to jump. Rev. J. L. Gillogly, minister of the Episcopal Church of the Good Shepherd—whom no one will accuse of affection for "Mormonism," owns a part of the invaded quarter section, and was one of the most outspoken of the "indignators" at the meeting. Indeed the non-"Mormon" speakers said the hardest things against the offending official. If the "Mormons" are so violently averse to permitting "Gentiles" to hold land in this Territory, why did they sell Mr. Gillogly a piece in Ogden City?

There are instances, it is true, of difficulty between "Mormons" and non-"Mormons" over land claims. But in every instance it will be found that they have arisen out of just such practices as those attempted by Postmaster Stephens. Lawful occupancy of land has been prevented to no individual of any creed or lack of creed, by the old settlers in Utah. But when persons who have done nothing towards redeeming the country from sterility come here boasting of their intentions to run affairs to suit themselves, make it their business to bring the religion of the masses of the people and their most respected leaders into ignominy and trouble, and attempt to steal from them the lands which they have made fertile by hard labor, and on which they depend for support and the sustenance of their families, it is time that they should stand up in their own defence. They would be curs if they did not. Patience under repeated injuries and continued injustice, is one of the virtues which the Latter-day Saints have admirably cultivated and manifested before the whole world. But submission to outrages of this character would be cringing and cowardly, and would excite disgust in all right-minded individuals.

This "land-jumping" villainy must be put a stop to. Those who perpetrate it should be lawfully punished, and those officials who assist them and put them up to this meanness, ought to be exposed and their course made plain to the government. Every decent man and every journal entitled to a particle of respect should frown down and oppose these nefarious proceedings, whether attempted by "Mormon" or "Gentile," Christian or Jew. What excuse can be made for any one who will sneak around, pry into records and pore over deeds, for the purpose of discovering some obscure technicality, by which he can rob a hard-working, honest farmer of the homestead he has won by years of toil, or for which he has paid out money in good faith? No epithets are too strong to be applied to such a being, and those who countenance or seek to shield and excuse him are as much to be despised as he.

There are acres enough of land open for bona fide settlement, in and out of this Territory, on which there is no claim by any struggling husbandman. Let those who want to acquire a title to a piece enter upon it lawfully, and either buy it or work for it like men. But let those who seek to steal the soil made desirable by the labor of others, meet with the reproach and share the fate accorded to the miserable thief or scoundrelly swindler, who is caught in his knavery and dishonesty. No sympathy and no palliation for "land-jumpers."

LOOK AT HOME.

THE New York *Sun* reads a well-deserved lesson to the pious and prudish people of New England, over their anxiety to convert the distant heathen, and their neglect of the ignorant and criminal within their own borders. The *Sun* says:

"The six States lying east of the Hudson send a good many thousands of dollars abroad every year to be expended in converting the heathen. Quicker and larger returns might perhaps be obtained by investing a percentage of this missionary money in the civilization and Christianization of the heathen within their own borders."

That caustic censor then goes on to show the condition of affairs in Massachusetts and Connecticut, and declares that—

Within sound of church and college bells there are nests of ignorance and vice as essentially barbaric in their way as any the missionaries have yet found in Africa.

And it affirms, further, that,

Within a few miles of historical towns, whose people wrap themselves in their culture as in a garment, there are neighborhoods which are quite given over to ignorance and vice; which exhale a moral reek from generation to generation.

Yet the people around whom these festering evils abound are among the foremost of those who read homilies to the "Mormons," who hold up their hands and roll up their eyes in pious horror over imaginary iniquities in Utah, but whose nostrils seem closed against the reek of their own corruption, and whose perceptions are blunted against the vileness within reach of their finger tips.

Boston and Hartford may pride themselves on their culture, and talk scornfully about lack of education in Utah, but, according to the *Sun* and other authorities, ignorance and barbarism prevail within easy call of their colleges, that have no existence within the boundaries of this Territory. And they may affect to be scandalized at the practice of polygamy in a far-off portion of the domain of the United States, but the free-love institutions and the social degradation of some of their own outlying districts, are actually appalling in their immorality, and afford an excellent opportunity for allusion to the ancient adage about moles and beams.

When the prudes and pietists of Eastern States and cities feel exercised about the deeds and doings of the Saints in the distant West, they should be told to stop craning their necks to gaze away off into the Rocky Mountains, and look right at home for a field for Christian labor and missionary enterprise, and drop a tear over present iniquities instead of weeping about the heathens of other lands.

SELLING SHIPS TO BELLIGERENTS.

THE New York *Herald*, of the 11th inst., publishes a list of one hundred and seventy-one steamers, available for use as cruisers, which are offered for sale to anybody that wishes to buy. Either Russia or England has a chance to purchase the lot, if the money is forthcoming, the terms being strictly cash. The vessels vary in size, from five hundred to five thousand tons, and they are all sound, staunch and seaworthy, and could be readily fitted up for active service in case of war.

This raises the question of the right of American ship-owners to sell vessels to a belligerent. It appears that this right is freely accorded by the best lawyers of the land. Private citizens may not only sell ships but arms and ammunition to any government, either in times of peace or war. But the sale or fitting out of vessels in American ports, intended to be used against a belligerent with whom the United States are at peace, is unlawful.

This appears to be a very nice distinction, but it is a distinction, even if it has a very little difference. The Treaty of Washington contains the following rules in regard to neutrality, which this government is bound to observe in the event of a war between England and Russia, unless it should become an ally of either:

"1. To use due diligence to prevent the fitting out, arming or equipping, within its jurisdiction, of any vessel of which it has reasonable ground to believe is intended to cruise or to carry on war against a power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted in whole or in part, within such jurisdiction, to warlike use.

"2. Not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

"3. To exercise due diligence in its own ports and waters, and as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties."

The selling of ships, arms and munitions of war is considered nothing but ordinary commerce. Any dealer may sell the goods which he manufactures or trades in, and any government may purchase, the same as a private firm or individual. In times of peace this would be indisputable. There is no difference in the transaction in times of war, but the goods or ships would be liable to seizure by the enemy of the purchaser, and if captured before delivery, the seller would suffer the loss. The business is risky but not illegal. So far as the vessels are concerned, the question of intent has to be considered. If it can be proven that any ship is sold to a belligerent with the intention of fitting it out as a cruiser, the seller exposes himself to heavy penalties.

The strict enforcement of the neutrality laws will be found extremely difficult, and as the tide of sympathy runs in favor of Russia as against England, the policy of the latter government as explained by an ex-attaché of the English legation, may be to some extent imitated in this country. Writing to the *London Truth* he says:

"Our notion of maritime international law has always been to vary our views according to our particular interests."

This is frank, if not admirable, and represents in a few words the spirit of diplomacy in general. However, the United States will certainly endeavor to prevent privateering by American ships and citizens, and to carry out the provisions of the treaty of Washington so far as possible. It will therefore be a dangerous matter in case of war for any American ship-owner to supply Russia with vessels intended to be used as privateers.

But if it can be shown that vessels sold to either belligerent are merely for transport ships, the danger vanishes and the transaction becomes legitimate. The essence of crime is in the intent, and this principle seems to be recognized in the matter under consideration. The selling of a ship to a nation at war it appears is all right enough so long as the trader's intentions are good. We are inclined to the belief that when the Russo-English war is over, it will be found that British commerce has suffered mightily from numerous cruisers purchased or chartered from American ship-owners.

WAKING THE EMBERS.

THE passage in the House of Representatives of the Potter resolution has stirred the country to the centre, and is likely to arouse anew the bitter animosities that led to the war of the rebellion. The address of the Republican Congressional Committee breathes the spirit of '61, and is intended to fan into active flames the smouldering embers of hate and strife that the wise men of the nation have tried for years to extinguish.

The whole movement is a party

scheme to prepare the way for the next presidential campaign. We do not think the deepest-dyed Democrats who arranged and battled for the resolution just passed, entertain the idea of unseating President Hayes.

The Electoral Commission settled the conflict over the Executive Chair, and both Democrats and Republicans were equally committed to the decisions of that body. We do not see how in honor the questions so disposed of can be reopened, unless it can be proven beyond doubt that Rutherford B. Hayes was a party to the frauds now exposed through the Florida confessions.

But the Democratic house wishes to make party capital out of the disclosures of McLin, to use as part of the sinews of war in the next political struggle. If the confessions are substantiated by the congressional investigation, they will prove very damaging, not only to the Republican party but also to several very prominent men in it, and most likely to high official dignitaries, and they will show to what depths that party descended in its desperate fight to retain its dominant position in the country during the last great political contest. Hence the anger of the Republican leaders at the success of the resolution, and hence the address of their committee, which is very ill-advised and incendiary, viewed from a patriotic standpoint, but as a party document may appear in a different light. It is likely to do much towards uniting the broken ranks of the Republicans, and to prevent those disruptions which have for a long time been threatening the party.

The question has been raised of the unfairness of the Potter resolution, confining, as it does, the investigation to Florida and Louisiana. The Republicans endeavored, through Mr. Hale of Maine, to introduce an amendment extending the inquiry into election irregularities in other States, but were defeated. A little reflection will show that Mr. Potter was right in declining to accept the amendment. His resolution was based on the complaint of the Legislature of Maryland that the State had been defrauded of the proper force and effect of its electoral vote, through the frauds perpetrated in the States of Florida and Louisiana. The committee of investigation was called for in relation to these matters, and if any member or party in the House desired further inquiries, they had the same opportunity as Mr. Potter to move for appropriate committees.

We have no doubt that the committee will succeed in establishing the fact that Florida and Louisiana were wrongly counted for Hayes and Wheeler, but we very much doubt the production of proof that those gentlemen were in any way personally responsible for the frauds, and therefore we do not think that any feasible attempt will be made to upset the verdict of the Electoral Commission, as this would in all probability lead to revolution and bloodshed.

The appeal of the Republican committee to the worst passions of their followers is highly reprehensible. Any man who, for mere party consideration, tries to revive the enmities which led to civil war and plunged the whole nation into fratricidal horrors, is an enemy to his country and a foe to his race. We hope the bitterness expressed out of the recent contest in the House will be assuaged by the waters of wisdom, that better counsels will tone down the heat that blazes in the Committee's address, or the venom of defeated ambition and the re-invocation of the demon of the rebellion may again split the nation into opposing factions, and inaugurate a struggle before which the four years war will pale into insignificance and be like a holiday bonfire compared with the burning of a mighty city.

TREMBLING IN THE BALANCE.

THE latest tidings from Europe bear the sweet breath of peace. Count Schouvaloff appears to have stood up like a man before the Czar of all the Russias, and condemned the treaty of Stefano which is the bone of contention between the Lion