

## Correspondence.

## Law Questions.

SALT LAKE CITY,  
November 29, 1875.

Editor Deseret News:

The public is now in possession of the decision of the federal court, in the appealed case of Sarah M. Pratt vs. Brigham Young, reversing the decision of the lower court, and adjudging the said Sarah M. Pratt, as the lawful occupant, and consequently the only legal claimant, of the south half of lot 5, block 76, plat A. As this decision will effect the landed interests of many other citizens, under very similar circumstances, not only in Salt Lake City, but in the numerous incorporated cities of the territory, I wish to ask the legal fraternity and the honorable court the following questions:

Question 1.—Whereas Orson Pratt, sen., had the undisputed occupancy of the whole of the aforesaid lot, from the autumn of 1851 till Oct. 29, 1861, during which time two dwelling houses were built, one on the north-east corner, and the other on the south west corner of said lot; and whereas the said Orson Pratt did, at the last date aforesaid, bargain and sell to the said Brigham Young all his right and title to the occupancy of said lot, and to the improvements thereon, and did convey the same by a quit-claim deed, and for which the said Orson Pratt did receive four thousand dollars as a full equivalent therefor; and whereas the said Orson Pratt did immediately vacate said premises, and the said Brigham Young did immediately enter thereon, placing Mrs. Harriet Barney Young and children in the house on the north end of said lot, where she has continued to reside, until the present time; and whereas the said Brigham Young, some few years after purchasing, did permit the said Orson Pratt and his wife Sarah M., to temporarily reside in the dwelling house, belonging to the said Brigham Young, on the south side of said lot; therefore, under these circumstances, which of the four persons, namely, Brigham Young, Harriet Barney Young, Orson Pratt, or his wife, Sarah M. Pratt, becomes, in law, the legal occupant of the whole of said lot?

Question 2.—If occupancy alone constitutes a legal claimant, would not the oldest occupant, namely, Harriet B. Young, be the only legal claimant of the whole lot?

Question 3.—If occupancy alone entitles the occupant to the whole of a city lot, could the said Brigham Young take away from Harriet B. Young, the occupant, one-half of her legal rights, and give the same to the said Sarah M. Pratt, or to any other person?

Question 4.—If Sarah M. Pratt enters as a resident upon a city lot, which has had, for several years, a previous occupant, does such residence entitle her to any legal claim to the whole or to any fraction of said lot? If such residence constitutes her a joint occupant, with the prior occupant, what fraction of the lot should be taken from the oldest occupant, and given to the second one? Or should the lot be equally divided between the two?

Question 5.—If a city lot, containing 200 square rods, had but one legal occupant for several years, in the person of Harriet B. Young, and then 49 other citizens should enter upon the same and each claim to be a legal occupant, must the lot be divided into 50 equal shares, and each claimant receive his four square rods, or will the whole be given to the first occupant, the said Harriet B. Young?

Question 6.—If it be argued that the said Harriet B. Young did not file any claims, founded on occupancy, who then was the legal claimant for the first few years after the said Brigham Young purchased the right of occupancy and the improvements on said lot? If it be adjudged that the said Brigham Young was the only legal claimant, did he render invalid his claim by merely permitting another person or family a temporary residence in one of his own houses?

Question 7.—As the said Brigham Young purchased the occupancy of the whole lot, why did he not have the same legal claim to the south half and its dwelling house that he had to the north half and its dwelling house? On the other hand, if the temporary residence of the said Sarah M. Pratt nullified the rights of the purchaser and constituted

her a legal claimant, why did not her claims include the northern half as well as the southern half of said lot?

If I had been called upon as a witness in this case, I should have testified that it was principally through the frequent and earnest entreaties of my wife, Sarah M. Pratt, that I was reluctantly prevailed upon to sell the right of occupancy of and the improvements upon said lot. The four thousand dollars which I received from the purchaser enabled me to erect a good two story dwelling house in the city of St. George, Utah, which was afterwards exchanged for a dwelling house and part of a lot in the 17th Ward of this city, which I gave to my wife, Sarah M. Pratt, and permitted her to file for the same. We were otherwise greatly benefitted in the payment of a debt of eight hundred dollars, and with means to purchase several years provisions, nearly all of which was derived from the four thousand dollars, which the said purchaser did pay to me. When the purchaser generously permitted me and my family to have a temporary residence in his own house, he did not then, nor at any time afterwards, give to me the least intimation that he would give any portion of the lot, either to me or to my wife Sarah. It is with extreme regret, and deep sorrow, that I witness the attempt of my wife Sarah to procure, through the technicalities of the law the property which rightfully and justly belongs to another.

ORSON PRATT, Sen.

A darkey, left in charge of a telegraph office while the operator went to dinner, heard some one "call" over the wires, and began shouting at the instrument, "De operator isn't yer!"

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## FISH BROTHERS WAGON,

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Salt Lake City, Nov. 5th 1875

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