

DESERET NEWS. WEEKLY.

TRUTH AND LIBERTY.

WEDNESDAY, - Nov. 19, 1879.

THE TOWNSEND CASE.

THE long-pending suit in the Third District Court, known as the Townsend case, has at length been decided in favor of Messrs. Hooper and Jennings. It was planted by Elizabeth M. Townsend, second wife of James Townsend, who claimed the right to one-half of the hotel known for many years as the Townsend House, and latterly as the Continental Hotel.

Mr. Townsend commenced business in this house in 1866, living there with his wives Susan and Elizabeth M., the latter acting as landlady. For some time the business prospered, but subsequently Mr. Townsend borrowed money of Hon. W. H. Hooper, giving deeds of trust on these premises as security.

Mortgages were also given afterwards on the same property, to secure notes in favor of C. C. Cunningham and Bolivar Roberts. Judgments against Mr. Townsend were obtained, for sums of money by the Deseret National Bank and Wm. Jennings, and the latter gentleman in company with Mr. Hooper finally obtained possession of all the notes, liens and judgments against the property, and it was sold to satisfy a deed of trust, Mr. Jennings becoming the purchaser for \$22,500, and thus with Mr. Hooper obtaining possession as joint owner.

Mrs. Elizabeth M. Townsend claimed that on Mr. Townsend's taking a third wife (in 1867), she demanded a division of the property, and an agreement was made that if she would remain and manage the hotel as she had done, she should have one-half of all that was made in the business. It appears that these parties continued their marital relations as before.

When the land of this city was entered under the townsite act James Townsend filed on the property in question, and obtained the deed therefor, his plural wife Elizabeth M. presenting no claim upon it. But the law requires that all persons claiming any interest in lands within the townsite shall, within six months after the publication of the notice of the entry, present such claim in writing to the Clerk of the Probate Court, and all persons failing to file such claim are forever barred the right of claiming or recovering such land or any interest or estate therein, or in any part, parcel or share thereof in any court of law or equity. This Mrs. Townsend failed to do, and therefore, as justly ruled by Judge Hunter, her claim under the alleged contract, which has not been disproven, fell to the ground in law. It follows therefore that Messrs. Hooper and Jennings are in rightful possession of the property and that the plaintiff, if she ever had any legal claim thereto, has no shadow of a title now.

Considering all the circumstances of the case, the money advanced by Mr. Hooper, the claims bought up by Mr. Jennings, and the final purchase of the property by the latter gentleman, we think it will be generally conceded that the present proprietors of the hotel are entitled in equity and justice, as well as in law, to undisturbed possession of the property which has been so long in dispute, and about which there has been so much misrepresentation.

A PREACHING TOUR IN CACHE VALLEY.

THE recent visit of President Taylor with several of the Twelve and others, to the settlements in Cache Valley, was attended with much benefit to the people, and afforded an opportunity for a manifestation of the spirit by which the Saints in that region are actuated and the interest they take in the great latter-day work. The four meetings of the conference at Logan were numerously attended, and on Sunday [the large and handsome

Tabernacle, with its spacious gallery, was filled to overflowing.

On Sunday evening, the 2nd inst., and Monday, the 3rd, meetings were held as follows: At Hyde Park, Smithfield and Richmond, by President Taylor, Elder George Q. Cannon and Bishop E. F. Sheets; at Providence, Hyrum, Wellsville and Mendon, by Elder Orson Pratt and Bishop L. W. Hardy (Elder Lorenzo Snow, who was to have been with this party, being detained through sickness); Millville and Paradise by Elders C. W. Penrose and John B. Thatcher (Elder Franklin D. Richards, who was to have led this division, being hindered through the sickness of his wife); Logan, Monday evening, with the young people's associations by Elders F. D. Richards and C. W. Penrose.

On Tuesday morning President Taylor and most of the party returned to this city, leaving Elders Orson Pratt and C. W. Penrose to fill appointments in other settlements during the week, which they attended to as follows: Tuesday, Benson, Newton and Clarkston; Wednesday, Weston and Oxford; Thursday, Clifton and Franklin; Friday, Lewiston and Richmond; Saturday, Smithfield and Hyde Park, reaching Logan in the evening. On this trip they were conducted by President W. B. Preston, who furnished a comfortable carriage and fine team, and were accompanied by Sister Marian Pratt. Meetings were also held in Logan on Sunday the 9th inst., at 2 p. m. and 6.30 p. m.

At all these meetings the halls and tabernacles were densely crowded, in some places many persons having to stand outside by the windows to hear. The utmost interest in the teachings was exhibited by young and old, and some of the people followed the Elders from settlement to settlement anxious to hear the word of life. To Elder Orson Pratt many of these places were new ground, and he enjoyed great freedom and power in expounding the revelations of God, testifying of the fulfilment of prophecy, and predicting the redemption of Zion and the glory that awaits the faithful of Israel.

The hospitality of the Cache Valley people is proverbial; on this occasion they exerted themselves with delight to administer to the comfort of the party traveling amongst them, and succeeded in making the visit a pleasure to all.

Evidences of growth and progress meet the eye everywhere in the beautiful and prolific valley of Cache. New and commodious meeting houses, notably in Providence, Millville, Paradise, Newton, Clarkston, Weston, &c., show the public spirit of the Saints and their devotion to the Church, while handsome and comfortable dwelling houses, well finished and furnished, bespeak the improvement which is taking place in the condition of the thrifty settlers. And as a token of the faith and union of the people of the whole valley, the magnificent temple on the elevation east of Logan City is looming up so as to be seen from the surrounding country, a monument to the energy, liberality and earnestness of the Saints and a solid object of encouragement to the living and of hope and joy to the dead.

The capabilities of this fertile region are only beginning to be developed for the sustenance of an industrious population. Lewiston and Worm Creek, in the centre of the northern part of Cache, embrace a vast tract of arable land which, when the canals in process of construction are completed, will afford facilities for the labors of many thousands of active hands, and the time is not far distant when that whole district will be glorious with garden and field, with tree and plant, with orchard and meadow, with vine and flower, with mansion and cottage, and when the mechanic and the artist will join the plowman and the harvester in making the country a veritable paradise of plenty and delight.

The brethren who have returned from this pleasant visit rejoice much in the outpouring of the Holy Spirit during their ministrations among the Saints of Cache Valley, and are full of thankfulness and good wishes to President Preston and the Bishops and people who aided in making their hurried and active trip so thoroughly enjoyable. God bless them to the uttermost!

"MORMON" EMIGRATION FROM EUROPE.

THE following account of the shipment of the Latter-day Saints from Liverpool for this country during the season just past, is taken from the *Millennial Star* of October 27th:

Table with 2 columns: Nationality and Number. Includes British (English, Scotch and Welsh) 809, Scandinavian (Danes, Swedes and Norwegians) 515, Swiss 90, German 34, Dutch 5, Irish 2, French 1.

Total for 1879, 1,456. Herewith we give the figures for the three previous years:

Table with 2 columns: Year and Number. 1876: 1,184; 1877: 1,479; 1878: 1,864.

Total for the last four years, 5,983. The *Star* says:

"Considering the fact that the Saints are mostly poor, and the very depressing nature of the times, we deem the number that has left these shores for the home of the Saints this year as large as could well be expected. Quite a goodly portion of those who emigrated this year were helped by means forwarded by relatives and friends in Utah and by the Perpetual Emigrating Fund."

We find the following advertisement in the *London Standard* of Oct. 21, which shows that at least some attempt is being made to help the Government of the United States, in giving the world a piece of information with which every person of common intelligence is already familiar:

"NOTICE.—To EMIGRANTS and EMIGRATION AGENTS.—Whereas there is reason to believe that a system of solicitation extensively prevails to induce persons to emigrate from Great Britain to the United States for the purpose of joining the Mormon Community at Salt Lake, in the Territory of Utah: This NOTICE is to WARN all persons that the Law of the United States prohibits the practice of Polygamy existing in the Mormon Community, and renders any person who engages therein liable to a heavy fine and a long period of imprisonment. (Signed)

E. Y. W. HENDERSON,

The Commissioner of Police of the Metropolis, acting under the immediate authority of her Majesty's Principal Secretary of State for the Home Department.

Metropolitan Police-office, Great Scotland-yard. 11th day of October, 1879."

Secretary Evarts and those who are acting on his suggestions, display their ignorance in publishing such notes of warning to the public. "Mormon" emigration is conducted under a system of about forty years duration; the doctrine of plural marriage, as practised in Utah has been proclaimed in England by preaching and press publications ever since 1852; and the existence of the anti-polygamy law of '62 has been announced and commented upon by the same means ever since its enactment. The effect of such advertisements as the foregoing will be to aid our Elders in their labors, as attention will be attracted thereby to their presence, and the doctrines they are sent to promulgate. "All things shall work together for good, etc."

TREASON!

THE dispatch from Robert Toombs, the irrepressible Southern "rebel," to the Chicago editor who telegraphed to prominent Southern men for congratulations to General Grant on his return to America, is characteristic of the man, expresses the feelings of more people in the South than is generally supposed, and will by some people be denounced as "treasonable." Here is the message:

Atlanta, Georgia. M. E. Stone, Editor. Your telegram is received. I decline to answer, except to say, present my personal congratulations to Gen. Grant on his safe arrival to his country. He fought for his

country honorably, and won. I fought for mine, and lost. I am ready to try it over again. Death to the Union.

Signed R. TOOMBS.

The sentiment contained in the closing sentence will be considered, especially by Northerners as simply atrocious. But there is no "treason" in it. Citizens of this Republic may entertain what opinions they please. And they are at perfect liberty, under the law, to express them, no matter how much they may be opposed to the general view, if they can get any one to hear or print their utterances. "Treason" against the United States is defined in the Constitution. It is declared to "consist only in levying war against them or in adhering to their enemies, giving them aid and comfort." That something more than expressing a feeling or opinion is necessary to constitute the offence is plain from the further provision that, "No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."

An overt act must be committed or no crime is perpetrated. When hasty people, therefore, cry out "treason" on the utterance of sentiments denunciatory of the Government, its principles or its officers, they only manifest their ignorance. Occasionally a public speaker in this Territory expresses opinions as to the course of Federal officers, the rulings of Courts or the passage of laws, which he considers inimical to the good of the public or the community with which he is associated. The cry of "treason" is at once raised by rash and rabid people, and to hear them talk one would imagine that the freedom of speech guaranteed in this land of liberty, meant only freedom to speak in favor of popular ideas and practises.

Congress has passed a law against a tenet of the "Mormon" faith, and the Supreme Court of the country has supported the law by a judicial decision. But this does not put a gag on the mouth of any one who does not agree with the statute nor endorse the ruling. A man has just as much right to believe in the rightfulness of that which the Congress and the Courts have condemned, as to coincide with those bodies. And he has an equal right to speak against as in favor of their proceedings. The decision alluded to specifies what opinions they choose on the subject, so long as their belief does not "break out into over acts against peace and good order."

We may think, therefore, as our minds may move, and we may express our thoughts if ever so much opposed to popular opinion or the views and doings of the powers that be, and until we perform some act of positive hostility against the United States, no one but a lunatic or an ignoramus will yell out the too ready cry of "treason! treason!"

AN ARIZONA GRAND JURY REPORT.

FROM the Arizona *Expositor* we learn that the Grand Jury for Maricopa County, has found one indictment for bigamy, and, from the language of the Report of that body, we are led to infer that it was framed against a "Mormon." The report says:

"This Grand Jury has found one indictment for bigamy and in the investigation of this subject found from the evidence of the leaders of the Mormon Church in this county, that said Church in counsel to its members in Utah before their removal to this Territory, advised that no polygamy or bigamy be practised by the members of said Church in the Territory of Arizona so long as the laws prohibited its practice in this Territory."

We do not know the name of the person indicted nor the circumstances of the case, but think it exceedingly improbable that any Latter-day Saint who has settled in Arizona has rendered himself liable to prosecution for bigamy in that Territory, seeing that plural marriages are not permitted by authority of the Church outside of Utah.

It appears from the Report that Arizona, like some other sections of

the country, has no law against adultery, as the Grand Jury urge the passage of such a law by the next Legislature. Our southern neighbor seems to have caught the spirit which has inflated many of the grand juries of Utah, for the Report, as published in the *Expositor*, touches on a variety of subjects and extends over a wide field, even to offering recommendations to the Government of the United States in regard to the Indian question, particularly concerning the Pima and Maricopa Indians. That body makes a general attack on the officials for neglect of duty, and in its inquiry into their conduct seems to be governed by impartiality, in which it does not follow the example of former Utah inquisitions. For, while the latter have been very eager to find some irregularity in the conduct of local officials, supposed to be "Mormons," they have utterly ignored the actions of Federal officials, known to be "Gentiles." But the Maricopa Grand Jury has investigated the accounts and doings not only of the county officials but of the District Attorney and Clerk of the District Court. Illegal and extortionate fees are exposed and condemned; mutilation of records, duplication of warrants, overdraw of funds, payments without vouchers, are commented upon, and it appears that that one county of Arizona is in debt about a hundred thousand dollars.

The manner in which elections are conducted is thus described;

"This Grand Jury find that corruption at our elections is general among our people, that our elections are controlled by what may emphatically be called 'corruption funds,' the exceptions being very rare when candidates do not enter into and participate in these general corruptions which in our county has surrounded our officers with pliant tools of corruption, with whom many otherwise good citizens co-operate, harrassing our officials with demands upon the public measure without foundation in law or equity; their persistent demands only limited by the power of combination to effect their purposes."

The foregoing merely lifts the curtain a little, and gives the public a mere peep into affairs in Arizona, but exposes enough to show the people of Utah how affairs here would be managed if our "Christian" regenerators could only succeed in wresting the balance of power out of "Mormon" hands and obtaining control of our local politics and local treasury.

The Grand Jury of Maricopa seem to have performed their duty fairly and justly, and if they have gone a little beyond their legitimate sphere and stepped upon ground not assigned to them in law, their motives appear to have been in the public interest and not grounded in malice or partizanship, and therefore an excess of zeal in this respect is to some extent excusable. Judge Porter, in discharging them seems to take this view of the subject, and in complimenting them, expresses the opinion that their exposure of the irregularities existing, "cannot fail to have a beneficial effect." We hope his prediction will receive complete fulfilment.

AN IMPUDENT IMPOSTOR.

IT is but a few weeks ago that a flurry was created among some of our merchants, by the sudden disappearance of a person from the north who had made large purchases of goods, for the avowed purpose of commencing a mercantile business in partnership with a gentleman of reputation in the Bear Lake country. Teams were engaged from that neighborhood to haul the goods away, but when the purchaser was to make his appearance with the cash for payment of the merchandise, he was non est. Some remarks of the papers here were indignantly denounced by his friends, who claimed that the man was certainly honest in his intent, and they believed he had been kidnapped or murdered for his money.

He had given out that he had inherited a large fortune in England, and as he promised to pay cash for all his trades and purchases, he gained the countenance, support and assistance of many persons who expected to get hold of a little ready