



ALBERT CARRINGTON EDITOR

Wednesday.....Sept. 14, 1864.

NOTICE.—Pres. Brigham Young desires the members of the company known as Zion's Camp, who went from Kirtland to Missouri with Pres. Joseph Smith in 1834, to attend the next October Conference, as he wishes to see them and their companions convened at a dinner party in the Social Hall.

FENCES.—ESTRAY CATTLE.—LEGAL ADVICE.—FROM THE ATTORNEY GENERAL.

We are indebted to Attorney General Blair for a very interesting communication on fencing, damages done by estray cattle, loss of crops, the remedy, what the Legislature ought to do, *et cetera*.

After the customary caption friend Seth tells us how he felt on reading number 47 of the present volume of the News. He starts off with a not overly complimentary remark on the kind of things which occasionally drop from our editorial sanctum. He then talks of the article in question in a respectful, though in a style which savors slightly of complaint, as will be seen by reference to the letter, which will appear in our next issue. He marvels at our modesty; now no one need do that, for we claim to be very modest, and always strive to tell the truth in a plain ungarlished manner. Then he compliments us and makes agreeable promises. But, to the subject before us.

In reference to the law relating inclosures and trespass, we are strongly in favor of its repeal, and of the passage of an act, similar in its provisions to the one which was passed by both branches of the Assembly last winter, but which through the unwarrantable interference of a disappointed aspirant did not receive the approval of the Acting-Governor. We take this opportunity of calling the attention of the members elect to this important subject, hoping that some one or more will, between now and the second Monday in December, the time fixed by law for the commencement of the next session, mature something upon so vital a question as the preserving of grain from destruction by wandering herds of cattle must necessarily be to the representatives of the people's interests and wishes.

The increase of the evils daily complained of, call loudly for such Legislative action as will make every man responsible for the damages done by his stock, fence or no fence. This, in our opinion, is the only way to cure the disease and remedy the evil.

The law-making power of our Territory may pass an act as long as the excise law of Congress, and as complicated in its provisions, setting forth therein what shall and what shall not be considered a lawful fence, and yet the evils that exist will not be remedied. In a community like ours where most of the citizens live by raising grain and stock, laws should be enacted to protect the former from the ravages of the latter, else the man who raises wheat—the staff of life—may be reduced to comparative poverty while the stock raiser is made rich by his cattle fattening on the grain of his neighbor.

We frequently hear it said, and generally by those who have large herds of cattle and no securely fenced pasture to keep them in days or corral to put them in of nights, that farmers must fence against stock. This is very good advice, and answers well where it can be carried into effect, but there are hundreds of instances in this Territory where it cannot be done. It is well known that in the establishment of new settlements there is an immense amount of labor necessary to be performed within the earliest possible period, after the arrival of those who design building up the new places. The newly selected land must be broken up, sufficient grain put in to supply the probable wants of the settlers the

following year; ditches must be dug through which to convey water for irrigating the grain, or there will be no crop, except perhaps on some small patches of the low or bottom lands, but without irrigation, as a general rule, no remunerative crop can be raised in this arid climate: this we all understand.

The law in regard to fencing, as it at present stands upon our statute books, is a dead letter, and if allowed to continue in its present form, it will ever remain so. Then why not have it expunged, and one better suited to the times and circumstances of the people substituted? That is the question now submitted for the especial consideration of that portion of our readers who have already as well as those who expect to put on the ermine of Legislative dignity at the next annual session.

There are many localities where fencing materials are very difficult to get, particularly in new settlements where the brethren have not had time to cut through the rugged rocks, bridge the mountain streams and open the canyon roads, and thus render accessible the timber on the lofty peaks and in the pathless ravines that constitute the great bulwarks of the ship of Zion, and the natural fortifications to the home of the Saints. In such cases men are excusable for not having good substantial, pole, slab, board or cobble rock fences, but there is no excuse for men who allow their cattle that might be easily herded, to run at large and destroy the hard earnings and results of a whole season's labors of their neighbors and friends.

The law to which we refer, is a singular one and, as it appears to us, reads like the Hebrew does to one who speaks and writes the English language only—from the wrong side. Sec. 2 provides that "All farming lands used for raising grain, grass, or other agricultural purposes, shall be inclosed with a good and lawful fence sufficient to secure the crop therein from the encroachments of all kinds of peaceable animals." We have often noticed that when animals have been found in mischief, their owners have invariably pronounced them not merely peaceable but perfectly docile. Sec. 3 says "All fence, four and a half feet high, in good repair, consisting of rails, poles, boards, stone, or other suitable materials; and all fence, of any description whatever, and all brooks, rivers, sloughs, ponds, hedges, or other obstructions, which shall be in the judgment of two or more fence viewers equal thereto, shall be deemed a lawful fence." We here give it as our opinion based upon a scrutinizing observation, that there is not many lawful fences in G. S. L. City, and less still in all other parts of the Territory on an equal area of land.

Sec. 4 has a very good provision, but it does not go far enough, or rather the consequences of non-compliance are not made to apply or fall upon the proper persons. Instead of saying that "Any person owning fence, or different individuals owning portions of fence, inclosing fields owned as tenants in common, for farming or other purposes, who shall refuse or neglect to keep in lawful repair such fence or portions of fence, shall pay all damages sustained by any other person in said field, in consequence of such neglect," it should read "Any person owning cattle or other stock, allowing them to run at large without being properly herded, securely pastured, or safely corralled, shall be liable for all damages done, or occasioned by the encroachment and ravages of such cattle or other stock, all such damages to be obtained by the aggrieved on the appraisal of two competent judges, or in the same manner as in an action for debt." This would be placing the responsibility where it of right belongs.

We purpose calling attention to this matter again, at no distant period. The subject is not half exhausted, and it is one that requires speaking and writing about often enough to keep it before the minds of the people until the causes for complaint are removed. Our part of this duty we intend to perform, and hope to meet with the co-operation of all good citizens.

WHY.—"A short account of the faith and doctrines of the Church of Jesus Christ of Latter-day Saints," as taken from *The Mormon*, and a price list of "Church publications" are printed in connection in this number, to afford a ready method for answering numerous letters of inquiry in regard to our religious belief, books, their prices, and where and how they can be procured.

SUDDEN DEATH ON THE PLAINS.—By telegraphic dispatch received on Wednesday evening Bishop Sharp got the mournful intelligence of the sudden death of his brother Joseph, who departed this life at 7 a.m. of that instant at Willow Springs, about 364 miles east of this city. Deceased was in charge of a freight train containing goods for Ransohoff & Co., and having lost between 30 and 40 head of oxen and being a very hard working man, the probability is that he over-exerted himself in the management of the train and thereby brought on an internal disease for which there was no remedy at hand. Brother Sharp was born on the 8th of July 1830, in Clackmannanshire, Scotland, and was baptized into the Church of Jesus Christ of Latter-day Saints in the month of June 1847. He journeyed with his brothers John and Adam, from his native land to this Territory in 1850. Brother Sharp has left a family of nine to mourn his loss.

Immediately on learning the sorrowful news, Bishop John Sharp had a metallic coffin made, and on Friday morning at 4 o'clock Mr. Patrick Lynch and the Whitesmith who made the coffin went east by the stage to bring in the remains, which, after being brought westward some 62 miles, have been temporarily interred at the "Three crossings of Sweet Water river."

AMUSEMENTS.—We heard of an entertainment in the large Assembly Room on Saturday evening, but not receiving the usual complimentary tickets for the "gentlemen of the Press," our reporter protests that he cannot write either a critique or a puff, and not being present ourselves we, of course, are not qualified to undertake the task.

THE CANAL COMMITTEE.—The committee appointed by the late Mass Meeting, viz. Alderman Sheets, Bishops Reuben Miller and Wm. Hickenlooper; accompanied by Surveyor General Fox left this city on Monday for the purpose of commencing the survey for the contemplated canal, which is designed to bring some of the surplus waters of Jordan to this city. We understand that the labors of the committee and surveyor will commence at the point of the mountain south, near the place of that once obnoxious contrivance—the old Fish trap.

POLICE REPORT.—Isaac Neibaur was arrested on the 6th inst., charged with drunkenness and disturbing the peace. He laid in the lock-up over night and sobered down, and the next morning appeared before Alderman Clinton and was fined \$10.

William Ballow was arrested on the 8th for disturbing the peace by drawing and flourishing his pistol, when in a state of intoxication. He was ordered to pay smart money to the amount of \$20.

Augustus Sprouse and John Rucker were arrested the other day, charged with assault and battery on each other, and thereby breaking the peace of the city; they got into a regular street fight, for which they were each of them ordered to pay into the city treasury \$10.

Henry Stowel Nettleton, was found drunk and disturbing the peace on the 9th inst., for which Alderman Clinton assessed a fine of \$25.

John Boland, was arrested on the same day on a charge of being drunk and disorderly; charge sustained, and defendant ordered to pay \$10 fine and costs.

A. J. Benson, was charged before Alderman Clinton with drawing a pistol on niger Com. The defendant alleged that Tom pompously attempted to "brush him outdoors," thereby insulting him. The Court assessed a fine of \$10, drawing a revolver not being the legal remedy.

Thomas Edgell was taken before the Alderman's Court the other day, to answer to a charge of assault and battery committed on the person of Henry J. Slade. On investigating the case it appeared that the parties got into a contention while working on the top of Squires & Day's new store, which resulted in a set-to-fight. Both were found guilty and fined \$10 each. We understand that a question of jurisdiction was raised, the party contending that the top of that building is too high up to be considered within the city limits, but the Doctor thought differently.

George Heath, was arrested on the 10th, charged with drawing a pistol on one Charles —, other name not ascertained. Fined \$25 including costs of proceedings.

OUR IMMIGRATION.—Cap. W. B. Preston's train passed Ham's Fork on the 7th, teams looking well, and passengers all well. They may arrive this week.

Cap. J. S. Rollins telegraphs from Little Sandy, 9th, "Train in good condition. Cattle doing well, all well."

On the 9th, at noon, Cap. W. S. Warren passed Platte bridge all well.

Elder Joseph W. Young telegraphed from Julesburg, 11th, "Left trains yesterday. All well. Expect to be home by the 28th." These are the two last trains—Captains Hyde and Snow—and want 50 yoke of oxen to meet them as soon as possible, at the "head of Bitter creek certain," they are coming on that route, and several of their cattle have the hoof-ail. The "expect to be home by the 28th" alludes to Elders Joseph A. Young, H. B. Clawson, Joseph W. Young, W. C. Staines and others, who are now this side the late Indian difficulties, and are therefore no longer obliged to keep the slow pace of the trains for protection.

Elders George Q. Cannon and John W. Young arrived in New York, from Liverpool, on the 6th. They were well, and expected to leave in a few days for Atchison, hoping by that time to be able to cross the plains by stage.

NEW RESTAURANT.—We had the pleasure of "assisting" with a select company of gentlemen representing the press, bench and bar, on Monday, at the opening of the "Globe" as a restaurant by Messrs. R. J. Golding & Co. A first class cook, with careful and prompt attendance are great aids to make such institutions sought after and enjoyable. Atlas will find his load more lively than usual and no doubt the patronage of the "Globe" will materially increase the load upon his brawny shoulder. A first class restaurant has been repeatedly inquired after and we are confident that those who desire the comfort of a well-cooked and well-served dinner, in a place where every requisite attention is paid will be satisfied with the style of the "Globe" and the manner in which it is conducted. The "boys" have made a capital start,—if you don't believe us try them, and justify our decision.

THE MAIL TO FILLMORE.—We are informed that there is no schedule time for delivering the mails at way offices between this city and Fillmore, but are of opinion that the contractors could easily manage to accommodate the way offices, particularly at so large a place as Prove, and in so doing much benefit themselves, as well as the public.

STEREOSCOPIC.—We had the pleasure of witnessing Mr. Cannon's first public effort in this line on Monday evening. Some things we saw were very good, others not so good, and one we would rather not have seen. We believe Mr. C. would do better in future exhibitions to reduce the price of admission, and we are satisfied he could make a great improvement in his selection of pictures, and also in the order of exhibiting them.

THE WEATHER.—After a few cool nights, rime frosts in the low lands followed by warm days, we were favored with a soaking rain of three hours duration, on Sunday forenoon. A cloud burst over City Creek soon after the heaviest of the storm, which brought down mud and the black earth of City Creek Canyon in the torrents of the stream as thick as molasses. On Canal Street (North Temple) the stream was large enough to navigate a steam boat for several hours.

A BANTER.—Mr. Myers of East Bear river writes us that he can beat br. Bolton at raising oats. He has a field, he says, raised from common seed, that stand over six feet high, and he will warrant a yield of 60 to 70 bushels per acre. Myers is getting to be quite a farmer, he has fenced 75 acres with a good stout post and pole fence, and is raising lots of wheat, oats and barley, and any amount of garden truck, in that as yet undeveloped part of our country.

—Some men are kinder to the occupants of the kennel than to their families. They will treat wives and children like dogs, but not dogs themselves so.

—A lawyer, in cross-examining a witness asked him, among other questions, where he was on a particular day, to which he replied: "In company with two friends." "Friends!" exclaimed the lawyer, "two thieves, I suppose you mean." "That may be so replied the witness, "for they are both lawyers."