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Spring Conference, 1876.

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EVENING NEWS.

WASHINGTON.

LIMITS OF RESERVATIONS FOR TOWN SITES.

Proceedings of the House of Representatives, April 13, 1876.

(CONCLUDING)

The lands were not at the time Shields first entered, subject to entry under the act, and the entry which he made was illegal and void.

It is further insisted on behalf of the defendants that they are *bona fide* purchasers, and that they as such are entitled to the protection of the court. I think it is clear that some at least of these defendants purchased, and paid their money without any knowledge in fact of any defect in the title. Yet they are not *bona fide* purchasers for a valuable consideration without notice in the sense in which the terms are employed in courts of equity. And this is for several reasons.

They purchased before the issue of the patent. The more meritorious purchased after the entry had been assailed and decided against by the Land Office. But this is a circumstance not material to this consideration. Until the issue of the patent the legal title remained in the United States. Had his entry been valid, Shields would have taken only an equity. His grantees took only an equity. They did not acquire the legal title. And to establish in himself the character of a *bona fide* purchaser, as against the United States, he must show that his purchase and payments were in the legal title. If he has but an equity, it is overmatched by the better equity of his adversary.

Besides, these defendants were bound to know the law. They were bound to know that these lands were within the limits of the city; and that lands within the limits of a city cannot be preempted. Knowing these facts, they knew that Shields' entry was void. They did not purchase without notice.

Again, the defect in the title was a legal defect; it was a radical defect. It was as if no entry had ever been made. By it Shields did not take even an equity. After he had gone through the process of making the entry, after he received the patent certificate, Shields had no more right or title or interest in the land than he had before. And, as he had none, he could convey no interest in the land. By the deed which he made and by the successive deeds which they received, his grantees took no more than he had, which was nothing at all.

In order to the maintenance of this defense, there must subsist an interest which the law approves and will support, and we have been of the opinion that that never existed.

There must be a decree according to the prayer of the bill.

Decree accordingly.

This opinion, as I have said, confirms the ruling of the Land Department, and may be regarded as the settled law relating to entries made within the incorporate limits of any city. With the law standing thus, not only are homestead and pre-emption entries disallowed therein when the limits of any town site are known to the local land officers, but even where patents in such cases may have, by inadvertence, been issued, no valid title passes. Not only this, but I presume the same must hold where the lands have passed from the patentee into the hands of an innocent, *bona fide* purchaser.

From this brief statement of facts and the law as pertaining thereto, it must be evident to members that legislation is needed to cut down these needlessly and mischievously large city limits, to restrict those which may be created hereafter, and to confirm the titles to those lands which may have been settled upon under the pre-emption and homestead laws, where such settlement does not interfere with any municipal need. This is the object of the bill. It has been framed with care, and its object and also the details of the bill have the approbation of the Commissioner of the General Land Office. I ask that the bill be put on its passage.

The amendments were agreed to.

—*Congressional Record.*

THE INSURRECTION. To accommodate the public and meet the great demand for President Young's discourse on "the insurrection" it has been determined to issue an authorized edition, in pamphlet form, neatly got up, in paper covers, and sold at ten cents a copy. It is now ready, and can be obtained at the News office.

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CITY ORDINANCES!

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Have been issued, for sale, to City Officers and the Legal Profession throughout the Territories, at the office of the Deseret Evening News.

Price, sheep, $3.50; Law Sheep, $3.25; Cloth, $1.75.

d 86 1m — City Recorder.

TO THE BISHOPS AND PRESIDING ELDERS IN ALL THE SETTLEMENTS OF THE LATTER-DAY SAINTS.

DEAR BRETHREN: It is our desire to commence again, to assist the scattered poor of God's people in gathering to Zion. To aid in the accomplishment of this purpose we request the Bishops and Presiding Elders in the various settlements to give especial attention to the collection of the debts due to the Perpetual Emigration Fund from those who have been assisted in past years. In view of the near approach of the season of the year when our emigration leaves the shores of Europe, we desire that our brethren give this matter their immediate attention, that we may be enabled to do as much as possible this present year.

It is the duty of all the Saints who have the means to assist in the gathering of those of their brethren and sisters who are still scattered in Babylon, and we should be pleased to have the local authorities solicit donations from those who are not in debt to the P. E. Fund, and who are able and willing to do their part for the gathering of scattered Israel.

Your Brethren,

BRIGHAM YOUNG,
DANIEL H. WELLS.

To the Centennial Exposition.

The Chicago & North Western Railway will, on and after May 1st, 1876, and until October 31st, 1876, have on sale in all of its coupon ticket offices, (including its two ticket offices at Omaha), round trip excursion tickets to Philadelphia and New York and return for Centennial visitors. These tickets, for the round trip, will be sold at one and one-half of the usual rate for a trip one way. They will be of two classes, but will be sold at the same rates. One class of tickets will be good east of Chicago, going and returning by the same route; and the other class will be good east of Chicago, going by one route and returning by another, thus offering to the public a choice of routes and changes in various parts of the country.

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Leave Ogden.....9:30 a.m.
" Brigham.....10:50 "
" Logan.....2:00 p.m.
Arrive at Franklin.....2:30 "

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Leave Franklin.....9:00 a.m.
" Logan.....10:35 "
" Brigham.....2:25 p.m.
Arrive at Ogden.....4:00 "

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M. W. MERRILL, Supt.

CHAS. NIBLEY,
Gen. Freight & Ticket Agt. d288

UTAH SOUTHERN RAILROAD

On and after Feb. 25, 1875.

Going South.

Stations.	No. 1. Pass.	No. 3. Pass.	No. 5. Pass.	No. 7. Freight.
Trains leave Salt Lake	7 00	6 10	1 30	.....
Little Cottonwood	7 28	6 55	2 15	50
Junction	7 48	7 30	2 50	75
Arrive at Sandy	7 53	7 40	3 00	1 00
Leave Sandy	8 00	.....	.....	.....
Draper	8 18	.....	.....	1 25
Lehi	9 08	.....	.....	1 75
American Fork	9 20	.....	.....	1 60
Pleasant Grove	9 32	.....	.....	2 00
Springville	10 15	.....	.....	2 50
Spanish Fork	10 30	.....	.....	2 75
Payson	11 20	.....	.....	3 50
Santaquin	11 43	.....	.....	4 00
Arrive at Terminus	P. M. 12 00	.....	.....	4 00

Going North.

Stations.	No. 2. Pass.	No. 4. Pass.	No. 6. Pass.	No. 8. Freight.
Trains leave Terminus	A. M. 8 20	P. M. 12 20	P. M. 6 00	.....
Santaquin	8 37	12 57	6 35	.....
Payson	9 00	1 20	7 00	50
Spanish Fork	9 49	2 09	7 49	1 00
Springville	9 05	2 25	8 05	1 25
Provo	2 25	3 05	8 25	1 50
Pleasant Grove	3 05	3 45	9 05	2 00
American Fork	3 20	4 00	9 20	2 10
Lehi	3 32	4 12	9 32	2 25
Draper	4 22	5 02	10 22	2 75
Arrive at Sandy	4 37	.....	.....	.....
Leave Sandy	4 47	5 30	5 00	3 00
Junction	4 51	5 40	5 10	3 25
Little Cottonw'd	5 12	6 10	5 40	3 50
Arrive at Salt Lake	5 40	7 1 0	6 18	4 00

Nos. 1 and 2 will be run daily.
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UTAH CENTRAL RAILROAD

PIONEER LINE OF UTAH.

On and after June 20th, 1875.

Name of Stations.	No. 1. Pass'r.	No. 3. Pass'r.	Freight.
Trains leave Salt Lake.	7 00 AM	3 40 PM	
*Wood's Cross.	7 35 "	4 08 "	50
Centreville	7 43 "	4 18 "	75
Farmington.	7 50 "	4 28 "	1 00
Kaysville.	8 12 "	4 52 "	1 50
Arrive at Ogden.	9 00 "	5 30 "	2 00

Name of Stations.	No. 2. Pass'r.	No. 4. Pass'r.	Freight.
Trains leave Ogden	9 40 AM	6 20 PM	
Kaysville.	10 21 "	7 10 "	100
Farmington.	10 32 "	7 21 "	75
Centreville	11 01 "	7 44 "	1 00
*Wood's Cross.	11 13 "	7 58 "	50
Arrive at Salt Lake.	11 40 "	8 20 "	2 00

*Passing Places.

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