

GEORGE C. CANNON,
BRIGHAM YOUNG,
EDITOR AND PUBLISHER.

Saturday, April 19, 1879.

THE REASON WHY.

TAN decision of the Supreme Court of the United States in the suit for the title to the Eagle Emporium corner, seems to give general satisfaction. The Supreme Court of this Territory has been singularly unfortunate in its rulings. In nearly every case appealed to the higher court its decisions have, as in this instance, been reversed. The question naturally arises, Why is this? Can it be possible that the Judges appointed by the President and Senate of the United States, to decide causes affecting the material interests of the people of the leading Territory in the Union, are so entirely ignorant of the law? If not, why do they make so many egregious blunders?

The answer is, prejudice has governed so many of these judges imposed upon an unfortunate Territory that justice and judgment have been, in a majority of instances, entirely driven out of court. Take the case just decided for an example. Mr. Jennings' claim to a portion of the property in dispute appears from Justice Boreman's Opinion, was based on quit-claim deeds of Elizabeth Cain, widow of Joseph Cain, through Charles King, Ranschoff and Brigham Young; the latter acting as Trustee-in-Trust for the Church. This name and connection were to Judge Boreman like red flags to an excited bovine. He became blind to the merits of the case, and saw only an opportunity to make a charge against the Church and its President. Most of the written opinions of this "Justice" on important matters in this Territory have been chiefly inflammatory harangues and passionate attacks upon the "Mormons" and their leaders. He followed in the wake of the late Judge McKean, and his abuse of the people here, when sitting on the bench under the protection of his official robes, was just as bitter, malignant and bigoted as the tirades of his chief, but without their polish and verbal ability.

In this case he utterly ignored the proofs of possession and such title as could be obtained before the towastie entry, and arbitrarily ordered the Mayor to convey the title to the Cain heirs. Why? Here is the hinge on which he turned the cause. He said:

"If, therefore, Jennings went into possession under authority given by Brigham Young, in his deed, and depended upon Young's supposed power to compel a good title to the possession from Cain's heirs, and Young has failed to be able to compel such title, Jennings cannot make the heirs the conveyancers, but he must look to Young for his remedy. The heirs are not bound by any arrangement he and Young have made."—(Boreman's opinion, July 6, 1878.)

We have italicized a few words above because they show the point of the decision, that is, to make Brigham Young the loser, and bear the brunt of the dispute. Now, from Boreman's own language in the Opinion, we learn that Dr. Willard Richards was the original owner of the lot in question, that he deeded a portion of it to Joseph Cain, and that the heirs of Willard Richards "made two deeds for portions of the disputed parts, one to Brigham Young and one to William Jennings." After Joseph Cain's death the widow testified that Brigham Young claimed the north half of the east half of the lot, and the Probate Court, when the matter came up for adjudication, decided that if Joseph Cain ever did own that portion of the lot—which was not admitted, "his heirs and representatives, soon after his decease, surrendered and gave up such possession."

It was also proven and decided by that Court that portions of the south half of the east half had been sold to different persons, that they were in possession and were entitled to that possession. The administrators of the Cain estate admitted having made these sales, received payment and given up possession to the parties. Yet Boreman, with Schaeffer consenting, decided against these owners and in favor of the Cain heirs, who only set up their claim on quibbles and technicalities, without the shadow of a foundation in equity. One of these which Boreman sustained was that:

"There has been a failure to find that Brigham Young, Wm. Jennings, Samuel B. Strang, George A. Strang, and Nicholas J. Groesbeck or either of them, ever have been inhabitants of Salt Lake City, or of Utah Territory."

Another quibble in the Opinion was that:

"Joseph Cain left the property to his heirs as a homestead, and the Territorial statute provides, that the homestead occupied by the wife or any portion of the family of the deceased at the time of his death, shall not be liable to any claim or claims against said estate."

Although the executors sold portions of this property, and other portions had been shown before the Probate Court, and also the District Court, to have either never been really owned by the deceased or to have passed out of his possession and ownership previous to his death, yet the Court descended to the above pieces of pettifoggery in order to cut the rightful claimants. And here he splits his spite against President Young. When referring to the widow's statement of the claim of President Young, he says:

"In those days no one questioned what their leaders did, but as the years, she would have taken the word of the leaders in those days as readily as she would an angel. Such implicit confidence and faith in him was simply abused by Brigham Young, and he used it to take away from this widow and her infant children property to which he did not have a shadow of a right!"

And again:

"Such a trampling on the rights of infant heirs, those who look with

strongest claims to the courts for protection, cannot be tolerated."

Here is the animus of the whole Opinion. This caused the reversal of the decision of the District and Probate Courts. But it was simply an infamous falsehood, uttered under the same influence which prompted the continual abuse of President Young and the "Mormons," by Methodist occupants of the judicial bench, that was fashionable a few years ago. The ruling of the Supreme Court of the United States, which completely upsets the Boreman ruling in effect brands this attack as a baseless fabrication. The Young claim being valid, all this festoon about robbing widows and orphans was a tissue of untruth and malice worked up for effect.

Is this the business of a United States Judge? Was it to manufacture popular prejudice against the leaders of the Church that "mission jurists" were sent to Utah? Can men who take the course of Boreman expect to obtain the respect of the people here? Their decisions are commonly reversed, their anger and sectarian pleadings only excite contempt, and their eager efforts to bring trouble where they are paid to establish peace, fall to the ground without force and effect.

Justice will eventually come to the right. Falsehood and malice will surely be defeated. Time is the great rectifier of wrongs to communities as well as individuals. And, trusting in these truths, we can bear the taunts, misrepresentations and attacks of officials as well as private enemies who will all find their level in future ignominy and final oblivion.

BEE MEETING.

At the very interesting bee meeting held in this city on Tuesday, the 8th inst, the honey producing interests were represented by beesmen and ladies from five different counties of the Territory, viz: Salt Lake, Davis, Utah, Millard and Beaver. The points discussed were foul brood, queen raising, queenless colonies, moths, chaff hives, wintering bees, losses from foul brood, price of bees, honey, etc. Every person present owned bees and most of them are experienced apiarists. All expressed fervent hopes that the next legislature would rescue the bee interests from the dreadful ravages of foul brood by appropriate legislation. The loss from this cause the last season, in Salt Lake county alone, was estimated at \$3,000. Some bee men had destroyed a number of colonies and the hives they occupied, as soon as they detected the presence of this direful plague. All agreed that the sole remedy for foul brood was the entire destruction of everything pertaining to the infected swarm as soon as discovered.

Some suggested that owners should keep up the price of bees beyond the reach of persons who would purchase but one or two colonies, so that inexperienced persons could not get them so readily, because when such have bees and the foul brood destroys them, they let the hives stand to be visited and robbed by large neighboring colonies, and thus endanger the bees for many miles around.

Strenuous efforts were made at the last legislative session to obtain a protective law and the committee to whom the numerous signed petition was referred unanimously reported favorably, but when presented to the House some members living where there were but few, if any bees, obstructed its passage greatly, to the chagrin of 99 per cent. of all the principal bee keepers of Utah. Strong colonies, with plenty of honey survive the winters on the summer stands first rate, and such swarms were also proof against moths. Losses were sure to follow where the swarms are divided up too much and the honey taken out so late in the season that the bees cannot replenish before the close of winter.

The superiority of "chaff hives" over all others, was advocated by three speakers, they having tested them to their entire satisfaction. All urged the absolute necessity of taking timely steps to secure, without fail, the much needed legislation at the next session of the assembly. The bee interest is a great one and should be protected and nourished by our legislators and influential men.

From persons who "do not know a bee from a yellow jacket," we cannot expect either aid or sympathy. Surely the bees are as much entitled to protection as are fish, game, etc.

Meeting adjourned till Oct. 6, 1879.

BY TELEGRAPH.

PER WIRELESS TELEGRAPH LINES EASTERN.

Chief Home Final Interview—A

Minor Indian from New.

WASHINGTON, 19.—Moses, and the chiefs with him, had a final business interview with the Secretary of the Interior and the Commissioner of Indian Affairs, yesterday.

An agreement has been made with the Indians, by which they surrender the lands heretofore occupied by them in Washington Territory and accept a reservation, set apart for them by executive order, adjoining and west of the Colville reservation in the northeastern part of the Territory. This reservation is a large one, larger than the Yakama reservation in the same territory, which contains 800,000 acres. It runs northward to the British possessions, westward to the 44th parallel, southward along the McChow River and eastward to the Colville reservation. A good deal of the land contained in it is mountainous, but other large tracts are fertile, well watered, and well adapted for agricultural purposes. The reservation abounds in game and fish. It is immense, also, the support of other Indians than the present arrangement, will go there as soon as possible, with the reservation, and he is to be taken away from this widow and her infant children property to which he did not have a shadow of a right!"

And again:

"Such a trampling on the rights of infant heirs, those who look with

northern tribes of Indians without reservations and Indians on reservations whose removal may become a necessity.

In connection with the agreement with Moses, it may be mentioned that an arrangement has also been made with the Unalakleet that will result in settling the troubles and questions that have arisen between them and the whites. Some little time, however, will elapse before the details of the plan are perfected and the nature of the settlement can be made public. Moses and his party will have an interview with the President. These Indians have impressed Secretary Schurz and Commissioner Hoyt as being excellent business men. They go straight to the point without superfluous flourishes. Moses is highly pleased at the agreement which has been reached. He says: "When I go back I will be a bigger Indian than ever before."

Confirmations.

The Senate confirmed Wm. H. Payne pension agent at San Francisco, and Herman Krause, postmaster at Silver Reef, Utah.

The Pedestrians.

NEW YORK, 19.—At a late hour, last night, Patches was still ahead, having made 400 miles. The nearest man to him was 400.

Stormy Weather.

The weather continues stormy with no prospect of abatement.

Trotters for the Sandwich Islands.

Gen. Wm. T. Withers, of Lexington, Ky., will ship, on Monday, by way of San Francisco, seven highbred trotters for the Sandwich Islands. The trotters were selected by Col. Chas. H. Judd, chamberlain to his Hawaiian majesty. He reports that the King feels great interest in America, and contemplates making another visit to this country.

Theatrical News of the Week.

Wallack plays at his theatre all next week.

Willoughby begins series of chamber concerts, to-night, at Steinway Hall.

Edgar and Fulton have leased the Broadway for the next season.

Mrs. Clara Louise Kellogg is to receive a testimonial and farewell concert from the ladies of New York, to-night.

The "Lost Children" has succeeded the "Banker's Daughter," at the Union Square Theatre.

Fanny Davenport, in "Pique," at the Grand Opera House on Monday, had an enthusiastic reception.

Mary Anderson is doing fairly, at the Brooklyn Academy of Music, an adaptation of Horner's tragic drama, "La Fille de Roland."

Supper comic opera "Fatinette," played at the Germania, on Monday for the first time in America, made a good impression.

It is announced that Lawrence Barratt will perform Hayard Taylor's "Dancing Queen," during his California engagement in May.

It cost Young Paulding \$3,000 to play "Hamlet," and other characters, recently at the Lyceum Theatre, at the Boston Museum next season.

The new Park Theatre, Boston, opened with Lotta in "Le Cigale," on the 14th to a brilliant house.

The Boston Theatre produced "Pinafore," on the 14th, with a remarkable cast, including Mr. Booth, recently divorced from Brigolite, M. W. Whitney, the famous basso, H. C. Barnaby, Mary Beebe, and other notable singing.

Rosini's widow has given Paris two million francs for a proposed asylum for sinners.

Barney Conlan, is playing "Faugh-a-Ballagh," at the Bowery. Lemuel Adams appears there on the 21st, in a "Roman Conspiracy."

Tidal Waves.

GLOUCESTER, Mass., 19.—Two tidal waves were perceptible in the harbor yesterday. The first, at half past 12, raised the water two and a half feet.

Are for the Sufferers.

CHARLESTON, S.C., 19.—The distress in Walterboro, on account of Wednesday's tornado, is so widespread that the city authorities have forwarded \$600 worth of provisions and \$1,000 cash for the relief of the sufferers.

Destructive Storms.

PORT JERVIS, N. Y., 19.—Five inches of snow fell here; a foot at Monticello, and from six to ten inches along the Jefferson branch of the Erie. At Scranton, snow, hail, and wind prostrated two miles of telegraph poles.

FOREIGN.

GREAT BRITAIN.

House of Commons—The Chilian Fleet.

LONDON, 19.—In the House of Commons, last night, Sir Charles Russell asked whether the government had received information that the Chilian fleet had destroyed the jetty and landing stages, and seized the launches engaged in loading guano from Peru to England, by which the loading of over 100 vessels, chiefly English, was interrupted and the exportation of guano stopped to the injury of the bondholders and agricultural and shipping interests of this country. Whether the government was prepared to take any steps for the protection of British interests, and also with reference to the damage which has already occurred.

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British Troops Warned.

A Jellibabad dispatch says: The rumor grows that Major Cavagnari will go to Cabul. All the British camps on this road have been warned to expect an attack.

RUSSIA.

An Imperial Ukase.

ST. PETERSBURG, 19.—A ukase, ordering the appointment of governors-general for the six most populous districts, with perfectly despotic powers, begins by stating that recent events have shown that there exists in Russia a band of criminals who, though not numerous, are very determined, and also referring to the late assassination of the emperor, and the recent murderous attacks on higher officials and attempted assassination of the emperor, it is therefore made it necessary for the provisional adoption of exceptional measures to permit of the exemplary punishment of the guilty persons, and also provide the government officials with the necessary powers for maintaining order. The ukase announces the provisional appointment of governors-general of St. Petersburg, Charkoff and Odessa, invested with extended and extraordinary powers. Similar powers are also conferred upon the governors-general of Moscow, Kiev and Warsaw. Civil administration in the mentioned districts is placed under the control of the governors-general in the same manner as they are subordinate to the commander-in-chief of the army in time of war, in districts where a military government is proclaimed. Control of educational establishments is vested in the governors-general, who are also empowered

to send before military tribunals all civilians in the districts over which they preside. The governors-general are further authorized to summarily remove from their respective districts all persons whose continued residence may be considered dangerous; to order the arrest of any persons whatsoever on their own judgment and responsibility; to suppress, temporarily or permanently, any newspapers or periodicals, should they appear to follow subversive tendencies, and generally to adopt such measures as they may consider necessary for the preservation of the public peace.

Riot and Loss of Life.

A disturbance occurred at Rosary, on the Don, on the 14th. The police being unable to suppress it, the military were called out. The riot lasted from the evening of the 14th to the morning of the 15th. The residences of the chief of police and overseer of the town, district police station, and police records, were destroyed. Two policemen were killed.

FRANCE.

A Publisher's Vengeance.

PARIS, 19.—The publisher of the *Revue Social* has been sentenced, in default to pay a fine of 6,000 francs, to eight months imprisonment for a scurrilous article against the catholicity.

TURKEY.

The Sultan and the Khedive.

CONSTANTINOPLE, 19.—The Sultan, receiving an envoy from the Khedive, expressed disapproval of the Khedive's conduct, but said he did not intend to dethrone him.

GERMANY.

The Evacuation Uncertainty, Etc.

BERLIN, 19.—In the prevailing uncertainty in regard to evacuation, Russia has ordered the gradual advance from Central Belgravia to the Balkans.

On account of special repressive measures by Russia, it is expected that a large proportion of the 6,000 to 10,000 suspected persons now in custody, will be sent in chains to the north-east.

HUNGARY.

More Destruction by Floods.

PESTH, 19.—Some hundred square miles of fields are again submerged. The towns of Belserend, Tamas, and Gyulavarsy are threatened. The water at Eszegin has risen eight inches. The people are again quitting their houses.

DIED.

In the 7th Ward, Salt Lake City, April 19, 1879, of diphtheria, ARTHUR ELLIS STONER, son of Charles M. and Mary St. Stoner, aged 1 year and 5 months.

Funeral services from residence of parents to-morrow morning, at 10 o'clock. Friends of the family are invited to attend.

In this city, April 18, 1879, of typhoid fever, JOSEPH CHAMBERLAIN, aged 66 years and 11 months.

Funeral on Sunday, April 20, at Fifteenth Ward Assembly Rooms, at 1 p.m.

At Five Mile Place, Santa Clara Ward, Washington County, Utah, on April 10th 1879, Elder WILLIAM NABER WAIT, of pulmonary disease, aged 4 years.

Elder Wait emigrated from England in 1871. He was ever humble and faithful, esteemed by all who knew him and died as he had lived, a faithful Latter-day Saint.

SALT LAKE THEATRE.

Doors open at 7.15, commence at 8.

TWO NIGHTS ONLY.

TUESDAY & WEDNESDAY.

April 22d and 23d.

The Great American Comedian

MR. B. MACAULEY

UNCLE DAN'L.

In the Latest Eastern Success.

A Typical American Comedy entitled

A MESSENGER

JARVIS SECTION.

Mr. Macauley will be supported by his own carefully selected company of New York artists.

Admission 25c, 50c, 75c and \$1. Reserved Seats 50c extra.

Box Sheet open, Monday, April 21.

TO YOU,

Dear Public,—

Who contemplates sending to the manufacturers for an organ or piano, believing that you can thereby get a bargain, I desire to say that, after you have ascertained the lowest prices at which you can purchase the instrument you want, I will furnish it to you at from \$5 to \$20 less, and only require one-half of the amount down. This offer being for my mutual benefit, I hope to be honored with your esteemed orders.

Your most obedient servant,

DAVID O. CALDER.

ESTRAY NOTICE.

I HAVE in my possession the following described animals:

One bay mare about 6 years old, brand resembling P on left hind leg.

One black MARE, about 12 years old, branded J on left hip.

One sorrel yearling mare COLT, white spot in face.

One brown MARE, about 12 years old, brand resembling B on left hind leg.

If the above described animals are not claimed within ten days, they will be sold at the estray pound as the law directs on Monday, the 21st inst, at 10 o'clock a.m.

JOSEPH HORNE, District Poundkeeper, Salt Lake City, April 19th, 1879.

NOTICE.

In the Probate Court in and for the County of Davis, in the Territory of Utah.

In the matter of the estate of GEORGE W. LINCOLN, deceased.

Order to show cause why order of sale of real estate should not be made.

GEORGE A. LINCOLN and JOHN MOSS, of the executors of the estate of George W. Lincoln, deceased, having filed their petitions hereto, duly verified, praying for an order of sale of a portion of the real estate of said deceased for the purpose herein set forth.

And that all persons interested in the estate of said deceased are notified to appear before the court on Monday, the 5th day of May, 1879, at 10 o'clock in the forenoon of said day, to show cause why said order should not be granted to the said executors to sell so much of the real estate of said deceased as may be necessary to pay the debts of said deceased, and that a copy of the order be published in some newspaper published in Salt Lake City, Utah.

(Signed) WM. R. SMITH, Probate Judge.

Dated April 19th, 1879.

VALUABLE INFORMATION

To those interested, I wish to inform that I have secured the best and most reliable information for buying and selling wool, and I am prepared to furnish the same to all who desire it.

FOR WOOL.

Wool buyers, I have a No. 1 article of Sheep, and a No. 2 article of Sheep, and a No. 3 article of Sheep, and a No. 4 article of Sheep, and a No. 5 article of Sheep, and a No. 6 article of Sheep, and a No. 7 article of Sheep, and a No. 8 article of Sheep, and a No. 9 article of Sheep, and a No. 10 article of Sheep, and a No. 11 article of Sheep, and a No. 12 article of Sheep, and a No. 13 article of Sheep, and a No. 14 article of Sheep, and a No. 15 article of Sheep, and a No. 16 article of Sheep, and a No. 17 article of Sheep, and a No. 18 article of Sheep, and a No. 19 article of Sheep, and a No. 20 article of Sheep, and a No. 21 article of Sheep, and a No. 22 article of Sheep, and a No. 23 article of Sheep, and a No. 24 article of Sheep, and a No. 25 article of Sheep, and a No. 26 article of Sheep, and a No. 27 article of Sheep, and a No. 28 article of Sheep, and a No. 29 article of Sheep, and a No. 30 article of Sheep, and a No. 31 article of Sheep, and a No. 32 article of Sheep, 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