

LAWS CONCERNING PRE-EMPTIONS.

[CONCLUDED.]

SEC. 2272. Nothing in the provisions of this chapter shall be construed to preclude any person, who may have filed a notice of intention to claim any tract of land by pre-emption, from the right allowed by law to others to purchase such tract by private entry after the expiration of the right of pre-emption.

SEC. 2273. When two or more persons settle on the same tract of land, the right of pre-emption shall be in him who made the first settlement, provided such person conforms to the other provisions of the law; and all questions as to the right of pre-emption arising between different settlers shall be determined by the register and receiver of the district within which the land is situated; and appeals from the decision of district officers, in cases of contest for the right of pre-emption, shall be made to the Commissioner of the General Land Office, whose decision shall be final, unless appeal therefrom be taken to the Secretary of the Interior.

SEC. 2274. When settlements have been made upon agricultural public lands of the United States prior to the survey thereof, and it has been or shall be ascertained, after the public surveys have been extended over such lands, that two or more settlers have improvements upon the same legal subdivision, it shall be lawful for such settlers to make joint entry of their lands at the local land office, or for either of said settlers to enter into contract with his co-settler to convey to them their portion of said land after a patent is issued to him, and, after making said contract, to file a declaratory statement in his own name, and prove up and pay for said land, and proof of joint occupation by himself and others, and of such contract with them made, shall be equivalent to proof of sole occupation and pre-emption by the applicant: *Provided*, That in no case shall the amount patented under this section exceed one hundred and sixty acres, nor shall this section apply to lands not subject to homestead or pre-emption entry.

SEC. 2275. Where settlements, with a view to pre-emption, have been made before the survey of the lands in the field, which are found to have been made on sections sixteen or thirty-six, those sections shall be subject to the pre-emption claim of such settler; and if they or either of them, have been or shall be reserved or pledged for the use of schools or colleges in the State or Territory in which the lands lie, other lands of like quantity are appropriated in lieu of such as may be patented by pre-emptors; and other lands are also appropriated to compensate deficiencies for school purposes, where sections sixteen or thirty-six are fractional in quantity, or where one or both are wanting by reason of the township being fractional, or from any natural cause whatever.

SEC. 2276. The lands appropriated by the preceding section shall be selected, within the same land district, in accordance with the following principles of adjustment, to wit: For each township, or fractional township, containing a greater quantity of land than three-quarters of an entire township, one section; for a fractional township, containing a greater quantity of land than one-half, and not more than three-quarters, of a township, three-quarters of a section; for a fractional township, containing a greater quantity of land than one-quarter, and not more than one-half, of a township, one-half section; and for a fractional township, containing a greater quantity of land than one entire section, and not more than one-quarter of a township, one quarter section of land.

SEC. 2277. All warrants for military bounty lands, which are issued under any law of the United States, shall be received in payment of pre-emption rights at the rate of one dollar and twenty-five cents per acre, for the quantity of land therein specified; but where the land is rated at one dollar and twenty-five cents per acre, and does not exceed the area specified in the warrant, it must be taken in full satisfaction thereof.

SEC. 2278. Agricultural college scrip, issued to any State under the act approved July second, eighteen hundred and sixty-two, or acts amendatory thereof, shall be received from actual settlers in payment of pre-emption claims in the same

manner and to the same extent as authorized in case of military bounty land warrants, by the preceding section.

SEC. 2279. No person shall have the right of pre-emption to more than one hundred and sixty acres along the line of railroads within the limits granted by any act of Congress.

SEC. 2280. Any settler on lands heretofore reserved on account of claims under French, Spanish or other grants, which have been or may be hereafter declared by the Supreme Court of the United States to be invalid, shall be entitled to all the rights of pre-emption granted by the preceding provisions of this chapter, after the lands have been released from reservation, in the same manner as if no reservation had existed.

SEC. 2281. All settlers on public lands which have been or may be withdrawn from market in consequence of proposed railroads, and who had settled thereon prior to such withdrawal, shall be entitled to pre-emption at the ordinary minimum to the lands settled on and cultivated by them; but they shall file the proper notices of their claims and make proof and payment as in other cases.

SEC. 2282. Nothing contained in this chapter shall delay the sale of any of the public lands beyond the time appointed by the proclamation of the President.

SEC. 2283. The Osage Indian trust and diminished reserve lands in the State of Kansas, excepting the sixteenth and thirty-sixth sections in each township, shall be subject to disposal, for cash only, to actual settlers, in quantities not exceeding one hundred and sixty acres, or one quarter section to each in compact form, in accordance with the general principles of the pre-emption laws, under the direction of the Commissioner of the General Land Office; but claimants shall file their declaratory statements as prescribed in other cases upon unoffered lands, and shall pay for the tracts, respectively, settled upon within one year from date of settlement where the plat of survey is on file at that date, and within one year from the filing of the township plat in the district office where such plat is not on file at date of settlement.

SEC. 2284. The sale or transfer of his claim upon any portion of these lands by any settler prior to the twenty-sixth day of April, eighteen hundred and seventy-one, shall not operate to preclude the right of entry, under the provisions of the preceding section, upon another tract settled upon subsequent to such sale or transfer; but satisfactory proof of good faith must be furnished upon such subsequent settlement.

SEC. 2285. The restrictions of the pre-emption laws, contained in section twenty-two hundred and sixty and twenty-two hundred and sixty-one, shall not apply to any settler on the Osage Indian trust and diminished reserve lands in the State of Kansas, who was actually residing on his claim on the ninth day of May, eighteen hundred and seventy-two.

SEC. 2286. There shall be granted to the several counties or parishes of each State and Territory, where there are public lands, at the minimum price for which public lands of the United States are sold, the right of pre-emption to one-quarter section of land, in each of the counties or parishes, in trust for such counties or parishes, respectively, for the establishment of seats of justice therein; but the proceeds of the sale of each of such quarter-section shall be appropriated for the purpose of erecting public buildings in the county or parish for which it is located, after deducting therefrom the amount originally paid for the same. And the seat of justice for such counties or parishes, respectively, shall be fixed previously to a sale of the adjoining lands within the county or parish for which the same is located.

SEC. 2287. Any bona-fide settler under the homestead or pre-emption laws of the United States who has filed the proper application to enter not to exceed one quarter section of the public lands in any district land office, and who has been subsequently appointed a register or receiver, may perfect the title to the land under the pre-emption laws by furnishing the proofs and making the payments required by law, to the satisfaction of the Commissioner of the General Land Office.

SEC. 2288. Any person who has already settled or hereafter may

settle on the public lands, either by pre-emption, or by virtue of the homestead law or any amendment thereto, shall have the right to transfer, by warranty against his own acts, any portion of his pre-emption or homestead for church, cemetery, or school purposes, or for the right of way of railroads across such pre-emption or homestead, and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to their pre-emption or homesteads. — *United States Revised Statutes.*

EDITORIAL NOTES.

—The Washington Star of Nov. 11 says, "Edwin Adams, the celebrated actor, died recently at Melbourne, Australia, whither he had gone to fill a dramatic engagement. He died of consumption, the disease being doubtless aggravated by the long voyage. Mr. Adams was born in Massachusetts in 1834, and soon after his debut became a star in various specialties at leading theatres, and he was especially well received in Baltimore, at Laura Keane's theatre, in the Rag-picker of Paris, the Gunmaker of Moscow, the Marble Heart, Enoch Arden, and other dramas."

—The Troy Times says, "John B. Gough employs a man to travel with him and prevent him from drinking. Many years ago he lapsed from sobriety, and he fears that the old appetite may again overcome him. His income from lecturing is about \$25,000 a year." There are others besides J. B. Gough who would do well to have somebody to prevent them from getting drunk and making fools of themselves.

—The Rev. John Hemphill, of San Francisco, is reported as saying, in a recent sermon, "A man who steals a million dollars from the public treasury commits a great crime; but he who corrupts the ballots commits a tenfold crime in comparison. He would rather be a murderer than a giver of bribes; for one only kills the body and the other destroys the soul. Of all the villains in this world the corrupter of the ballot box is the greatest."

—The Nauvoo Independent of November 10th says, "It is stated by good authority that the police magistrate of this city, a few days ago, decided that the ordinances of this city were null and void; that no case could be maintained under them, and that we have no city law at all."

—Rev. Stopford Brooke says he would rather be annihilated than have to join such spirits as the mediums bring forth.

—Nothing but election literature just now. Poor dry stuff, too.

—Judge Hoar, speaking as a married man of long standing, says women's rights always have appeared to him as a kind of rights which, judging by his practical experience, are very apt to take care of themselves.

—A Rev. G. H. Robinson, of Springfield, Illinois, it is said, having failed as a preacher, owing to his large amativeness, concluded to turn politician and stump the State for "Hayes and Reform."

—Cardinal Manning reasons this way in favor of both Catholic illiberality and Protestant liberalism: "Where a nation has religious unity like Spain, it has a right to prevent its being broken up by sectarianism; but where, as in England, the unity is already broken, equal tolerance of all sects becomes the right policy."

—Excessive physical exercise is not beneficial. The medical examiner of a prominent life insurance company says that he has to turn away three-fourths of his applicants who excel in athletic exercises because they have dangerously strained the organs of the heart.

—Next year the British Government proposes "to forward the American mails on certain fixed days in each week by the most efficient vessels on those days." The pay is to be "at the rate of 2s. 4d. per pound for the letters, and 2d. per pound for the newspapers, printed papers and patterns, or samples contained in each mail."

—Prentice Mulford, considering the great number of chairs which are held in veneration because George Washington sat in them, thinks that the Father of his country must have had a great talent for sitting.

—The New York World says, "Allan Ramsay wrote a song telling how to woo a widow; he might as well have left directions how to get struck with lightning."

—There is a movement for stoves in street cars in New York.

—What is life without a father? Ask the lazy bee, he enjoys it. The Rev. Joseph Cook, in his Boston lecture on evolution, declared that the law that all living beings must have two parents is not universal, and instanced the fact that drone bees have only one parent, the mother.

—The young men of Beyrout have formed an association, each member of which pledges himself not to tell a lie. "There are people in this city who might advantageously join such an association."

—Fast walkers are more generally useful than fast trotters, but the New Haven Register gives the following record of the latter: "Two hundred and thirteen horses have trotted in public in 2:26 or better, Goldsmith Maid leading with 2:14. Lulu trotted in 2:15; Smuggler, 2:15; American Girl, 2:16; Occident, 2:16; Gloster, 2:17; Dexter, 2:17; Hopeful, 2:17; Judge Fullerton, 2:18; Red Cloud, 2:18; Nettie, 2:18; Lady Thorne, 2:18; Lucy, 2:18; Maud, 2:18; Great Eastern, 2:19; Bodine, 2:19; George Palmer, 2:19; Thomas L. Young, 2:19; Flora Temple, 2:19; and Camore, 2:19. Four have records of 2:20, six have records of 2:21, seven have records of 2:21, seven have records of 2:22, ten have records of 2:23, seven have records of 2:23, eleven have records of 2:24, twenty-five have records of 2:25, nineteen have records of 2:25, and twenty-six have records of 2:26."

Powers of Commissioners.

United States Commissioner Street has heard and decided a case to-day. We think that he has no authority to do anything of the kind. The Poland Bill, which alone confers any powers on the Commissioners, says:

"They shall have the same authority as examining and committing magistrates in all cases arising under the laws of the Territory as is possessed by justices of the peace in said Territory."

This authority it will be perceived extends only to "examining and committing." The Commissioner has no right to inflict a fine. If he have where is the fine to revert? equally he has no right to settle a case by binding to keep the peace. For if the defendant should break the peace within the time limited where will the bond money go?

The Commissioner may discharge, or commit to a higher court, that is all the power the law gives him.

We are aware of a ruling of Judge Schaefer to the contrary. But we think little of the ruling of a Judge who decides in this way to-day, and another way to-morrow, and next week undoes all he did before, as in the replevin in the Ann Eliza case, and the sale by the "Special Sequestrator without bonds."

We would like to see this point decided in the Supreme Court of the Territory. — *Ogden Junction, Nov. 17.*

Big Cabbages. — H. P. Miller writes from Richfield, Sevier Co., Nov. 14—

"Bro. Geo. T. Wilson, of this place, has just reaped his cabbage crop, six heads of which weighed 211 pounds, the largest weighing forty-three pounds. He has been improving the Mammoth Marblehead variety for the last four years and has gained in weight and quality each year. The gain in weight has been from twenty-six to forty-three pounds. He promises to give us cabbage next year weighing fifty pounds apiece. He expects to raise a large amount of seed next year, which will be quite a benefit to the country."

Gain may be temporary and uncertain, but expense is constant and certain; it is easier to build two chimneys than to keep one in fuel.

At Coalville, Nov. 11, at half past six a. m. SARAH, wife of John M. Lewis, and daughter of H. B. and Sarah Wilde.

Deceased was born in England and came to Utah with her parents in an early day. She leaves five small children and a large circle of relatives and friends to mourn her loss. She was 33 years and 3 days old, and died in full faith in the Latter-day work. — *Com.*

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