

DESERET NEWS:

WEEKLY.

TRUTH AND LIBERTY.

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WEDNESDAY, - OCT. 5, 1887.

GENERAL CONFERENCE.

THE Fifty-eighth Semi-Annual Conference of the Church of Jesus Christ of Latter-day Saints will be opened at 10 o'clock on Thursday, October 6th, 1887, in the Tabernacle at Salt Lake City, and will continue until the business necessary to be transacted has been attended to. The officers and members of the Church are respectfully invited to attend.

On the evening of Thursday, the 6th, there will be a general meeting of the Young Men's and Young Ladies' Mutual Improvement Associations.

On Friday evening there will be a general meeting of the Superintendents, Teachers, and all interested, in the Sunday Schools.

On Saturday evening there will be a meeting of the Priesthood.

These meetings will commence at 7 o'clock in the evening.

We wish the officers of these organizations to bear these appointments in mind.

WILFORD WOODRUFF,
In behalf of the Council of the Twelve Apostles.

MUST HAVE BEEN ASLEEP.

THE editor of the New York *Christian Advocate* appears to be, in a mental sense, a second edition of Rip Van Winkle. A correspondent wanted an answer from that paper in reference to the origin of the Book of Mormon. The reason the information was desired was that a "Mormon" missionary was in the neighborhood where the interrogator resided. The Elder was described as devout and exceedingly ingenious, and so well informed that his statements could scarcely be refuted. The questioner wanted such facts as would enable him to put the missionary to flight.

The drowsy editor of the *Advocate* was unequal to the task. Not having informed himself upon prominent current topics he betook himself to some of the encyclopedias, from which he culled the Spaulding "chestnut" and dealt it out upon an endorsement platter to the eager interrogator. It is to be presumed that the *Christian Advocate* should, judging from its name, keep specially well informed upon religious topics. In this regard, however, it is behind the times and greatly in the rear of purely secular periodicals. If the moss had not been allowed to accumulate upon it, there would not have appeared in its columns a reconstruction of the completely exploded Spaulding fabrication. It would have known that the notorious story written by Solomon Spaulding was some time since unearthed and identified as the one from which it has been so often asserted the Book of Mormon originated, but which has no more resemblance to that sacred volume than the editor of the *Advocate* has to Hercules.

If the writer of the article in that journal wishes to verify this statement he can do so by paying a visit to Oberlin College, where the original Spaulding manuscript was some time ago deposited. Exact copies can also be had at this office, and, come to think of it, we will mail one to the *Advocate* that its writers may have no need to publish transcripts about the origin of the Book of Mormon from musty volumes of unreliable cyclopedias.

Those who wish to claim and insist upon another origin for the Book of Mormon than its real one will have to set their wits at work on a new scheme. Many of those who formerly insisted upon the correctness of the Spaulding subterfuge, have of late introduced a brilliant flash of silence on the subject. They cannot get up another without being compelled to "eat the leek."

One county in Wyoming Territory sheared 65,000 sheep this season. Wall street has undoubtedly done better than that with the lambs.

ANOTHER STATUE OF LIBERTY

SAN FRANCISCO will soon have a Statue of Liberty, not so great or grand as that of New York of course, but large and imposing enough for all purposes. The figure will resemble that on Bedloe's Island, holding aloft the torch in her right hand and in her left the sword of justice. Despotism and Anarchy will be represented as prostrate at her feet, trying in its death throes to grasp the sword from its keeper's hand. The figure itself will be eighteen feet in height and the pedestal twenty-two feet, and will rest on a base cut out of the living rock of the higher of the Twin Peaks, a lofty eminence between the city and the Pacific Ocean.

The idea is a grand and patriotic one, as, with its completion, an emblem of the great principle which makes men mighty will look, one across the Atlantic and the other beyond the Pacific, Liberty lighting other shores and guarding our own.

It is a good thing that the work is to be done by San Franciscans who take a pride in their city and their coast. If the monument had been presented by some foreigner or foreign power and set down at their doors without cost, and with no other reward than the consciousness on the part of the giver that he had contributed something in perpetuation of cherished achievements, the fact that so much had been done for them might have made them sluggish as it did their eastern kinsmen; and they might have waited till some enterprising newspaper organized a fund and collected means sufficient for its proper mounting. As it is, it will go ahead, there appears to be no doubt of that.

DISPOSING OF ESTRAYS.

IN each precinct there is, or should be, a poundkeeper appointed by the county court. His duty is to receive and dispose of estrays. A party aggrieved by trespassing animals must, within twenty-four hours after it is known to him that the trespass has been committed, have some disinterested male citizen over twenty-one years of age, appraise the damages, and give a statement thereof in writing, setting forth the amount, time and place of the damage, the name of the person damaged, and, if known, the name of the owner of the animals doing the damage, and a description of said animals, which statement must forthwith be sent to the owner of them. If he cannot be found, or, if found, shall refuse to pay all costs and damages, the statement, together with the animals shall, within forty-eight hours after the latter have been taken in charge by the party aggrieved, be placed in possession of the poundkeeper of the precinct in which the trespass was committed. To detain trespassing animals more than forty-eight hours before delivering them to the poundkeeper, is a misdemeanor. Within twenty-four hours after receiving the animals, the poundkeeper must give notice to the owner, in writing, if he be known, describing them, and stating the time and cause of impounding, and the amount of damages and costs. If, within two days after receiving such notice, the owner shall fail to pay the damages and costs, the animals must be advertised as explained below. If the owner cannot be found, the animals must be advertised forthwith.

Estrays in the possession of a poundkeeper are advertised by posting in three public places in the precinct, a notice properly dated, containing a description of them, including all marks and brands, and setting forth that, if the animals described are not claimed and taken away within ten days of the date of the notice, the poundkeeper will sell them to the highest cash bidder. If the owner of the animals shall, within ten days after they are thus advertised, claim them, pay all damages upon them and take them away, the poundkeeper should sell them. The notice advertising the animals should bear the date on which it is first posted in the precinct, and as soon as possible thereafter it should appear in some newspaper "having general circulation in the county." Usually where the law requires a sale of any kind to be advertised in a newspaper before being made, the length of time which the advertisement must appear in the paper before the sale is consummated, is specified; but the estray law is ambiguous upon this point. One object of the law is plain, viz., to shorten the detention of estrays as much as possible, while affording owners reasonable opportunity to obtain them, and thus to lessen costs.

The notice advertising estrays should be posted "forthwith," when the poundkeeper is unable to find the owner; or "forthwith" after the expiration of the two days following the service upon him of the notice above described if he is known, and the mailing of the advertisement to the newspaper should be done simultaneously with the posting of the notice in the precinct. In our opinion a proper construction of the law requires the notice to be posted in the precinct ten days before the sale, but does not necessarily require its publication in a

newspaper the long. The advertising is to be done "forthwith," which means, in law, as soon as practicable. It is always practicable to post the notices in the precinct ten days before the sale, but not to have them published in a newspaper on the same date. The notice should definitely state the place, day and hour of the sale. The proceeds of the sale must be paid to the county treasurer, but if the owner shall substantiate his claim to the animals within six months after the date of the sale, the price received for them, less damages and costs, will be paid to him. He is barred after six months. The foregoing is submitted in reply to queries that have been put to us.

RELATED TO A REMARKABLE MAN.

BROTHER ALEXANDER EDWARD, of the Nineteenth Ward, who emerged yesterday from the penitentiary, after serving a six months' term of imprisonment for unlawful cohabitation, is the nephew of a very noted man—Thomas Edward, the Scotch naturalist.

The attainments of the latter are so marked that they have not only received distinguished recognition from Queen Victoria, but his experiences in gleaned knowledge from the field of nature and his contributions to science have been made the subject of a work by the celebrated Samuel Smiles, whose books are perused with pleasure and profit in every part of the civilized globe.

The career of Thomas Edward shows him to be a most singular character. He was born with an insatiable inquisitive instinct, and a thirst for knowledge that caused him to burrow into the secrets of nature from infancy. He was, in his early childhood, a terror to the members of his family and to his teacher and fellow pupils when he attended school. He was in the habit of collecting snakes, snails, bugs, horseleeches, and all sorts of creeping and venomous things, as it was his delight to examine their peculiarities and observe their habits. Some of those specimens would crawl up the trousers of the dominie and bite the good man's legs, and Edward was consequently never free from trouble. Most of his life was spent in poverty, and his course shows a pursuit of knowledge under difficulties that is most extraordinary, making a story of rare interest.

The narrative of his life is ingeniously told by Smiles, who, while confining himself within the limits of truth, combines in attractive blending, the humorous and pathetic, and is enabled to direct the attention of the reader to the lesson that pervades it all—the potency of perseverance in the pursuit of information.

The discoveries made by this humble though capable naturalist, who eked out an existence for many years on the shoemaker's stool, are highly esteemed by various scientific associations of Great Britain, who honored him with membership. The son of the brother of this man of mark is not unworthy of him. He is humble and unassuming, but has a capable and well-informed mind.

To conclude with we will say that every young man in the community should read the productions of Samuel Smiles, including the story of the Scotch Naturalist. He is an author whose works are scarcely excelled in point of usefulness. They tend to convince the reader that he is capable of being something if he will but be up and doing.

DETERMINING TITLE TO WATER.

THE Legislature of 1884 passed an act compiling the laws then in force relative to the incorporation of irrigation companies. That act is found in page 127 of the session laws of that year, and is the only Territorial statute bearing upon the subject. Under its provisions the people of any county, or of any specified portion of a county, may, either for the purpose of obtaining an additional supply of water from sources not previously appropriated, or for the purpose of properly controlling and distributing the waters already being used, be organized into an irrigation district. The process by which such organization is effected is set forth in the statute. The advantages to be derived from organizing are many and most of them are obvious. Conflict and confusion in the use of water in the irrigating season are obviated, and an authority is created in the form of a board of trustees which has power to keep canals, etc., in repair, and to make and collect assessments for such purposes.

But no process of organization such as is contemplated in this law, can have the effect to determine the title to water. No board of trustees of an irrigation district can do this. Such a board has authority to regulate the use of water of which farmers in the district may be the lawful owners, but it has no jurisdiction to determine questions involving

the ownership of water rights. Such differences can be settled only by agreement between the parties to them, or by the decrees of the courts.

Generally, in this Territory, the value of the farming land depends more upon the water pertaining to it, than upon any other circumstance, and the necessity of having some means of determining titles to water has long been apparent. Several years ago the Legislature, thinking to meet this necessity, provided for the establishment of a commission in each county whose duty it was to hear and determine claims to the waters of specified streams, and record their decisions. It was thought this would definitely settle and make records of water titles. But the courts held the statute creating these commissions to be unconstitutional, for the reason that it conferred upon them judicial powers; whereas such powers, under the laws of Congress applicable to this Territory, can only be exercised by the courts named therein.

The law of 1884, above referred to, provides that disputes regarding the ownership of water may be settled by a commission appointed by the District Court, and the approval by the court of the commission's findings. The action instituted for this purpose may be either friendly or unfriendly; it is sometimes desirable for neighbors who have no dispute, to have their rights to water judicially determined, as, for example, when a sale is contemplated.

Another excellent plan for reducing to tangible form the water rights of settlers on a stream, is for them all to sign a document conceding to each other an amount of water therein set forth. Such an instrument would be an informal affair so far as being specially provided for or recognized by the law is concerned, but if it were signed by all the users of water from a given stream, it would be very strong evidence of their respective rights, and in most cases ample proof of title, as each signer would become a witness for each of the others. Such an instrument would settle disputes between the signers, and would protect them from the encroachments of new comers. A copy could be given to each person interested.

Frequent inquiries, verbal and written, which have been put to us, lead us to make the foregoing observations. They are submitted with the hope that they may be of use in the intelligent and just settlement of differences, and in forestalling litigation.

THE GREAT CONTEST IN NEW YORK.

NEW YORK State is now fairly within the swirl of a tempestuous and altogether important political campaign, a triangular contest in which one of the lines composing the three-cornered figure is broken and therefore practically out of the computation. This is the Labor party: it was scarcely strong enough to win if united and all pulling together, though it might have captured a great many of the minor offices, but the defection of the Socialists from Henry George and his cohorts makes their defeat all along the line a very sure thing even for a political proposition.

The Democrats held their convention this week, thus placing all the squadrons in the field and leaving nothing to be done but the preliminary canvassing and the voting. This party have a habit of bringing up the rear on all important occasions, and it is considered by a great many as a wise and proper thing to do, for the reason that it enables them to follow their own judgment and take advantage of that of the others, as well as to gather what benefit may result from knowing what others are going to do before doing anything themselves. There does not seem to be much in this, so far as results go, and there is no reason why such a policy should be approved by thinking people. Parties should not permit their principles to be gauged by what others do, they should be fixed and unconditional as to any issue before the people.

With George and his recalcitrants practically out of the fight, it resolves itself into a test of actual strength between the two great parties, and as New York is conceded the ground on which the battle of the Presidency will be fought next year, that fact gives the local struggle a measure of importance it would not otherwise have. The platforms are not so much to be relied upon as the means of gathering and holding votes as are the nominees and the efforts put forth, and when both sets are the strongest and most popular that their respective parties can produce, it may be easily understood that neither side will have any votes to spare. Col. Fred. D. Grant, who heads the Republican ticket, has a clean record so far as it goes, which is but a short distance; but he will draw considerably more strength to the cause he represents than he would if his name was Smith, or Jones, or anything under the sun but what it is. This, as in war and love, is fair. All votes count, no matter for what reason they are cast. The Democratic leader in the contest is Col. Frederick Cook, the present incumbent of the Secretaryship of State, the highest office to be voted for. He

has as clean a balance sheet to exhibit as his Republican opponent has, and adds to it official and public experience. He has served one term with the highest credit to himself and complete satisfaction to everybody, and the question, why should such public servants be dismissed? will weigh not a little in his favor. It would thus appear that a more equal handed contest could scarcely be planned. The odds are even, and when a paradox may be allowed, and when it is considered that the State itself is always close except under an unusual pressure, no one would have temerity to predict with any degree of certainty how it will turn out.

As we look at it, the Democrats are more capable of enduring the blow which a defeat in the Empire State in November would inflict and retrieve the loss in time for the national struggle a year later than are the Republicans. The latter party, like that of all the opponents the Democracy has ever had from the days of Thomas Jefferson down, is not a transmissible national entity; it was created out of and for an emergency, which has just since passed, and it is now holding on in places by virtue of its name only. It cannot go on to posterity for the reasons stated, and the elements composing it will sooner or later have to cluster around some new issue under another name, as its predecessors have all done. Each succeeding defeat in its present decaying condition is a stride in the direction of the political sarcophagus, and it is scarcely venturing too much to say that it would be unable to recover from the shock of such a defeat as defeat in New York in November would deal it. We all know, and history has so recorded and reconfirmed it, that the principles of the Democratic party, like the ennobling of that grand instrument by the same author—the Declaration of Independence—are imperishable. If Democracy could have been destroyed, it would not have survived the rebellion and its crushing defeats during and immediately following that struggle, and the fact that it maintained its organization as perfectly when it carried but half a dozen States as when it regained its former prestige and held and holds a majority of them, shows that it has been and is being skillfully disciplined and directed. The understanding, the efforts that will be put forth from this time on by the Republican party in New York are likely to be so mighty and necessary that, win or lose, they will emerge from it with one of the most gallant contests to their credit, which the annals of political strife have ever contained.

NOT POLITICAL OR SECTARIAN.

IT is gratifying to note the determination of the Grand Army of the Republic to keep within the limits of its proper sphere. This was strikingly evinced yesterday by its refusal to pass a resolution in relation to polygamy, the reason being that the subject was foreign to the genius and purpose of the organization.

This action will probably displease a rabid class of political and religious cranks who desire to have the G. A. R. used to serve their private ends, but the position assumed by that great body of veterans will have the endorsement of every citizen who desires to see consistency prevail.

Were the organization to transform itself into a political or sectarian machine it would be unworthy the respect to which it is otherwise entitled. Score one on the side of consistency for the G. A. R.

ONE FOR WIGGINS.

NOTWITHSTANDING the unanimity of the press in throwing cold water upon the predictions of the professed weatherwise Wiggins, he remains one of the elements of success in that business, in the face of the flood of criticism hurled against him from all sides, to predict storms, cyclones, etc., on specified dates. Among other prognostications, he recently declared that a cyclone in Texas would occur on the 19th of this month, and the funny men of the press all over the country at once began to sharpen their pencils in order to fire the usual squall at him, but before they had time to get into print—only two days later—along came the cyclone, and it ripped things up in such a shape as to create consternation all along the line of its course. Whatever may be said of his past efforts, the chroniclers must do score one for Wiggins.

THE CONSTITUTION INSPIRED OF GOD.

THE celebration of our National Centennial at Philadelphia has occasioned much comment on the merits and origin of the Constitution of the United States. It is universally acknowledged that the glorious instrument is perfectly adapted to the needs of this nation and that it has fully met the requirements of government during the century that has passed. Eulogies upon it are not confined to this country