

corporation and certain American citizens. The Court will not do the learned counsel the injustice to suppose that they can do the Court the injustice to expect that this fact will have the slightest weight in the decision of this case. Justice knows no national boundaries, whether they be oceans or imaginary lines. It is the duty of courts to inquire, not who are the parties, and whence do they come, but what are the rights and the wrongs involved in the controversy between them?

In this case the Court does not find it necessary to believe that any of the witnesses have intentionally testified to what they knew to be false; but they differ so widely, especially in matters of opinion, that some of them must be seriously mistaken.

Fully appreciating the magnitude of this case, the Court has considered it with great care, and is constrained to reach the conclusion that that body of silver-bearing ore now in the possession of the plaintiff, and known as the Emma mine, and that body of silver-bearing ore which the defendants have sized and are withholding from the plaintiff, are parts of one and the same vein or deposit of ore.

The question now remains, what are the legal rights of the parties, it being conceded that the ground in which lies the ore held by the defendants, is in the adjoining lands and outside of the surface limits is designated in the plaintiff's patent.

It may be pertinent to ask, what were the rights of the owners of the Emma mine or vein before a patent was issued to them? It will not be denied that they had a right to the vein, and also to its dips, angles and variations, as part of the vein. It was their right to follow the vein in its length as far as it was rightfully located; in depth to the centre of the earth; in breadth although it might enter the land adjoining. If the men who held the mine before the patent was issued were the lawful possessors, then these were their rights, and a patent regularly issued to them confirmed these rights. The boundaries of a patent, so far as the surface of the earth is concerned, must remain where the government fixes them; but under the patent in question, and the act of Congress under which it was issued, (14 Statutes at Large, 252,) the patentee may follow the "vein or lode, with its dips, angles, and variations, to any depth, although it may enter the lands adjoining, which shall be sold subject to this condition." It will not do, as learned counsel contend, to give force only to the words—"to any depth;" the words—"although it may enter the land adjoining," have a weighty import.

The patent held by the plaintiff, and the act of Congress under which it was issued, justly construed, convey to the patentees that body of silver-bearing ore now in dispute between the parties. The injunction must issue.

As the General Election, to be held on the first Monday of August—two weeks from to-day—for the election of a Delegate to Congress, and Members of the House of Representatives—Twenty-first Territorial Legislative Assembly; and also County and Precinct officers throughout the Territory, will be an event of more than ordinary interest, all things connected with the taking of the expression of the will of the sovereign people on that occasion, as to their choice of persons for representatives and servants, should be conducted strictly in accordance with the rules and regulations prescribed by the laws of the Territory for the observance and guidance of all concerned—the electors as well as the officers acting, including County Clerks, the Judges and clerks of the election, in the several precincts and the canvassers of the votes cast for the several offices to be filled.

In the first instance, each County Clerk should cause the proper notices to be given and posted up in each Precinct, at least six days before the day of election, and no careless, heedless, irresponsible person should be trusted with putting up said notices; then if the judges and clerks shall each do their duty, in all things pertaining to the election and making returns, without deviating from the prescribed mode, to suit their notions or views, regardless of consequences, all will be right so far, otherwise serious consequences may result from what may be considered by a person wise in his own conceit, an immaterial departure from the mode of procedure.

It is hardly to be presumed that the County Clerks or either of them will be remiss in duty, and if the Judges

and Clerks of election will, without deviation, comply with the statutes in regard to the matter, the will of the people will be fairly expressed, otherwise it will not.

The law provides that the election shall be held from one hour after sunrise until sunset; and that the electors shall not vote in any precinct excepting where they reside. There is no discretionary power vested in the Judges of election as to the time when the polls shall be opened and closed. The holding of the election either before or after the time prescribed for the opening and closing of the polls for the accommodation of any elector, cannot be otherwise than illegal, and to permit electors to vote in any other precinct than where they reside opens a wide door for illegal voting, and the Judge who receives and deposits such votes in the ballot-box commits a fraud, for which he should "be punished by a reasonable, preventive amount of fine," as provided by statute.

The laws of Utah, providing for the holding and conduct of elections, and those only, are applicable in the matter, the opinion of some to the contrary notwithstanding. Let the laws prescribing the qualification of electors, or in other words, designating who are entitled to vote, and the rules for the regulation of elections be carefully and strictly observed, and then with the result all will, or should be, content.

LOCAL AND OTHER MATTERS.

FROM THURSDAY'S DAILY, JULY 18.

LOGAN, 18.—Yesterday an Indian, named Weber Jack, while in a drunken state, visited Washakie's lodges, camped near Hyrum. Jack, who had a grudge against one of the Washakie Indians, pulled out a pistol and shot the latter dead. Another Indian who had a breech loading rifle, then shot Jack. The fourth shot brought him to the ground, dead. Jack emptied his pistol on the first Indian and was defenseless.

The Ogden Fire.

OGDEN, 17.—Mr. Erbe, of the eating house, lost everything in the house, valued at about eight thousand dollars, and insured for only eight hundred. Mr. Cahoon, conductor, lost all his clothing and trunk, which contained about \$1,000 in currency. All the rest of the boarders lost everything except what they had on. The loss of the express company will be light, not exceeding one hundred dollars, besides their fixtures. Both agents lost all they had.

The house occupied by Mr. McIntosh was burned and part of his furniture. His loss is between \$200 and \$300.

Mr. Erbe has occupied the depot, and will procure a new outfit of stoves and dishes.

GOT IN.—The company of emigrants in charge of Elder Erik Peterson got in at about eleven o'clock last night. The party numbered a little rising of four hundred and, with the exception of a few English, were all Scandinavians. For several hours before the arrival of the train which brought them in, the depot was alive with people who flocked there to greet with a hearty welcome friends and relations from whom, doubtless, many of them had been long separated.

On the arrival of the train the Scandinavians were escorted to Ballo's Hall, where they met with a most gratifying reception. Two rows of tables were ranged along the entire length of the hall, and which fairly groaned with the supply of good things which had been provided by kind friends for the weary travelers and the latter by their smiling countenances and the way in which they made substantial disappear, showed their appreciation of the entertainment. A band of music was present, and played several tunes.

The entertainment was got up at the suggestion of Brother A. W. Winberg, and he was assisted in the arrangements by C. Sandberg and several others. Donations for the purpose were freely made by the Scandinavian brethren and sisters.

Bishop Thomas Taylor was at the station when the emigrants arrived and he also visited the hall. Brief remarks were made to the people by some of the brethren, in which advice suitable to the circumstances was incorporated.

BEES AND MILKWEED.—Mr. S. H. Putnam holds to his position that the milkweed is not the cause of bees being denuded of their legs, but results from a disease which has appeared among bees in this section, the nature of which he is unable to determine. This peculiar disease manifests itself each season in the month of July, ceasing within the same month, and is indicated by the forming of a yellow scale, or excrescence of some kind on the feet of the insects. Brother Putnam contends that it is this scale which becomes entangled in the milkweed, and, in their efforts to free themselves from such attachment, the bees frequently leave their legs behind on the flower. In proof of this Brother P. states that every limb found on the flower has this

scale formation on it. He showed us a quantity of those scales with pieces of bees' limbs attached, which he had taken from the mouth of a hive, which, he asserts, proves that the effects of this disease are such as to cause the loss of limbs to bees when they are not on milkweed as well as when they are on.

Brother P. has written to the most prominent bee culturists in Indiana and New York, to ascertain, if possible, the nature of the disease alluded to, and whether it is common in other parts of the country besides this.

FROM FRIDAY'S DAILY, JULY 19.

LEFT HIS HOME.—John Hutchison, aged ten years, left the residence of Mr. Armstrong, 11th Ward, about 7 o'clock on Wednesday morning. He had on brown pants and black coat and hat. He has light hair and light blue eyes. Any information concerning him will be gratefully received by his sister, at George H. Knowlden's grain store, East Temple Street, between First and Second South Streets.

A WHOLESOME LAW.—Under the laws of the State of Michigan, rash fools who intentionally or even in sport point any firearm at any person, whether loaded or unloaded, are held guilty of a misdemeanor, and punished accordingly; and in case of wounding or death on account of such carelessness, the punishment is severe. We see it stated that since this law was placed on the statutes of Michigan, that State, which formerly had a case of injury by the careless use of firearms every little while, has been almost entirely free from such occurrences. Fooling with firearms has gone out of practice in Michigan since the law pronounced it a crime.—*Boston Journal.*

RETURNED MISSIONARY.—Elder Anthon Lund called this morning. He arrived from a mission to Scandinavia with the company which got in on Wednesday night. He left this city April 12th, 1871, and during his stay in Scandinavia labored most of the time in the office of the church at Copenhagen, although he traveled considerable in the conference besides.

Elder Lund reports the Scandinavian mission in a flourishing condition, additions to the church by baptisms being numerous and frequent. There will be two companies of Saints from that part of the world this season, besides the one which arrived on Wednesday night. The missionaries are doing an excellent work in the northern part of Sweden, and even a few Laplanders have joined the church.

Elder Lund is the son-in-law of Elder Canute Peterson, the present president of the Scandinavian mission.

A LIVERPOOL CAPTAIN'S OPINION.—A reporter of the New York Sun, speaking of the company of Saints that came on the steamship Nevada from Liverpool to New York and arrived in this city on Wednesday evening, says—

"The men of this party are evidently all hard workers, and will prove an acquisition to the solid material of our population. The women are ruddy and bear a healthy complexion."

Captain Forsyth, a jolly man, with dark curly hair and whiskers, said to the Sun man: I want to tell you something about these Mormons. They all come on this line, and I suppose I have brought over more than any other captain in the service. They are the most quiet and orderly set of men I bring to these shores. They never make any trouble. They sing and have their meetings twice a day, and behave better in the long run than men who call themselves Christians. You can say that in the Sun to-morrow about these Mormons, and say Capt. Forsyth told you so."

THE JOURNEY.—Elder George Reynolds, who arrived, from a mission to England, on Wednesday evening, furnishes us the following information regarding the journey:

The company left Liverpool June 26th, per S. S. Nevada, Guion & Company's line. The first half of the voyage was very unseasonable, being exceedingly cold and stormy. The officers of the vessel said it was similar to an average winter passage. The latter half of the trip, however, was more pleasant. Captain Forsyth, of the Nevada, prides himself on having brought more companies of Saints across the Atlantic than any other commander, and much prefers them to any other class of emigrants. He is always solicitous for the welfare and comfort of his passengers, as are also the other officers of the ship, particular mention being made by Brother Reynolds of the kind attentions of the stewards. Captain Forsyth is desirous to be remembered to his many friends here, whose acquaintance he made when bringing previous companies of Saints across the ocean in his ship.

The "Nevada" arrived in New York July 9th, from which point the company started westward on the afternoon of the following day. On the 10th the party lay over a short time at Philadelphia, and while there a tremendous thunder and rain storm prevailed, and the track, a short distance behind the train on which the Saints were traveling was standing, was struck by lightning.

Some time before the company reached Chicago the news had spread there that a

lot of "Mormons" were on the way, and a large crowd of roughs were at the station when the train arrived, who manifested considerable anxiety to have a row. The officers of the Chicago and Northwestern Railroad, seeing this, took the company out on the line about five miles from town, thus protecting the people from interference by brawlers and thieves.

Early on the morning of Tuesday, 16th, at a point forty miles east of Cheyenne, Indian agent Major Rizley and an Indian interpreter, accompanied by Spotted Tail, Spotted Eagle, Fleet Bear, several other noted chiefs of the Brule Sioux tribe and three Indian women, got on board the cars and traveled with the company to Cheyenne, where they took train to Denver, the party being on the way to Washington, on business connected with the non-fulfillment, on the part of the government, of some treaty stipulations.

The chiefs are tall and fine looking, the appearance and general bearing of Spotted Tail being particularly impressive. He is rather large, has a very keen eye, and a phrenologist would say that his brain is largely developed in what is called the perceptive region; his head, however, is very wide through from side to side and narrows towards the top. His cheek bones are prominent, features not large, but rather inclined to sharpness, and his firmly compressed lips and ponderous jaw give a person at once the impression that Spotted Tail is the possessor of great will power and determination, and well fitted to wield great influence in his position of a great Indian chief. The interpreter informed Brother Reynolds that Spotted Tail had really great influence over his tribe, that he was a goodly disposed Indian and was friendly to the whites, although his past record was rather a desperate one.

Brother Reynolds thought he observed a strong resemblance between Spotted Tail and his wife who accompanied him, and made inquiries as to whether the two were related. He was informed that they were not relatives and furthermore that the ideas of the Indians on such matters were very strict, allowing of no inter-marrying of relations. The squaw who accompanied the chief was the latter's fifth wife.

The interpreter stated that since Red Cloud's visit to Washington he had become considerably demoralized, having taken to aping the customs and practices of the whites. He had even been seen in a game of billiards with kid gloves on.

The company had four deaths on the journey, all infants, one of which occurred on shipboard and the remainder on the Union Pacific Railroad.

Elder Reynolds left this city for England, May 3rd, 1871, and during his stay in England labored on the *Millennial Star*, at the office, 42, Islington, Liverpool. He also visited and preached in many of the Conferences of the Mission. During several months, while Elder Carrington was here, he was left by the latter in charge of the spiritual affairs of the British Mission. It will be remembered that soon after Elder Reynolds' arrival in England, he was attacked with small-pox, from the effects of which he has not yet recovered. During the latter part of his stay in England his health was exceedingly poor, but we are pleased to be able to state that he was somewhat improved on the journey hither, and the invigorating air of this Rocky Mountain region will, we hope, tend to his speedy and complete recovery.

TOOELE COUNTY.—Elder S. W. Richards reached home, in this city, yesterday, from a trip to Tooele County. He reports that prospects for a plentiful harvest are splendid; and that in both agricultural and mining districts business is brisk, and prosperity general, the only thing to complain of being the lack of hands. This is felt not only in the west, but also in other portions of the Territory. In Sanpete and further south there is a cry of heavy crops to be harvested and abundance of other labor to be done, but a scarcity of hands. The fact is, an era of prosperity and good times is again dawning upon the people of Utah. For several years past they have sustained heavy loss in the destruction of crops by the grasshopper plague, and for the past two years or more, the unjust and tyrannical proceedings of Federal officials have spread such a general feeling of uneasiness and insecurity as to retard the investing of foreign capital in developing the mineral resources of the Territory, and to cause a general stagnation of trade in the mining districts. Now, thanks to the decision of the Supreme Court, the wings of certain worthies have been clipped, and they rendered powerless to do present evil, and the grasshopper plague, this season, is confined to very limited portions of the Territory, in fact its extent is so slight, that it will scarcely be felt, and being rid of two such serious evils, the channels of trade are being re-vitalized and generally prosperity is returning throughout the Territory.

PROVO CITY, July 19th, 1872.

Editor Deseret News.

Dear Sir:—As my name appeared on the petition against Utah being admitted as a State, I give this explanation: I told a friend of mine to sign my name, as I was being shaved at the time, not knowing the contents of said petition until I saw it printed in the columns of the DESERET NEWS. Had I known the contents I never would have signed or caused my name to be signed to any such document.

JOHN WILKINS.