

## Correspondence.

SALT LAKE CITY, Dec. 29th.

Editor Evening News:—Dear Sir, In my former article of Dec. 28th, I gave a synopsis of the law in relation to aliens becoming citizens of the United States, and what was necessary, in order to acquire a title to Public Lands, and in this article according to promise for the benefit of all concerned, give some of the prominent "Pre-emption Rulings of the General Land Office," at Washington City, D. C. To wit:—

The question "has been raised" whether an unmarried woman, over the age of twenty-one years not the head of a family has the right to pre-empt, on making proof of settlement, and cultivation, as required by the pre-emption act of 1841.

## RULING.

First.—The law extends the privilege to three classes, each having the qualification of citizenship, or having filed a declaration to that end; 1, "every person being the head of a family;" 2, "A widow;" 3, "A single man over the age of twenty-one years."

Second.—The case presented not coming within the first or second class, the question arises whether it does not fall within the third class, according to the spirit and intent of the statute.

Third.—In the opinion of all etymologists, the name designating our race is derived from the power or faculties of body and mind, with which man has been furnished by nature, above all other animals.

Fourth.—The Anglo-Saxon word *mag-an* means to be able or strong; this by elision, naturally glides into the word "man," a generic term, applying to both sexes, the original Saxon from which the English word is derived having been used in a sense so comprehensive as to mean "mankind" man, woman, a vassal, also any one, like the French "on," Gothic "manna"—the Hebrew meaning species, or kind, like, "That's woman's ripe age, as full as thou art at one and twenty."

Fifth.—Understanding the terms of the law in their wider sense the general land office has decided that an unmarried, or single woman, over the age of twenty-one years, not the head of a family, but able to meet all the requirements of the pre-emption law, has a right to claim its benefits, and that while *man* is the general term, including each sex, the specific name in the Anglo Saxon of *wif-man* having been given to the female from her in-door employment at the *woof*, shows that in the ordinary doings of society the sphere of women is generally in household, rather than in the duties requiring labor in the field, essential to the establishment of a farm."

Therefore District officers of the Land Office have been directed in administering the law under this construction, that it must be borne in mind the relations to agricultural labor of single women are generally different from those of single men, the former possessing more delicate organizations, are not usually separated from their parents or natural protectors, and hence that care must be taken this ruling shall not lead to abuse, that the claims of unmarried daughters are not to be recognized when their parents are house-holders, and where the purpose of the applicants in separating from their families may be merely to secure several different tracts of land so that the title may eventually centre in a common head.

All the facts of individuality of interest, of residing on and cultivating the tract for a period long enough to show good faith, are required to be fully proven, so that while abuse of the privilege is avoided, the right to the meritorious may be secured.

## IN HOMESTEAD RULINGS.

It was insisted that the settler must put upon the land such a house, as may answer for permanent residence, not merely a place of temporary resort, in order to show his intention to comply with the law, and make the land what the statute intended, his actual homestead; and it is required that the settler shall appear before the Register and Receiver and show, by affidavit, supported by corroborative testimony, compliance with such requirements.

It has also been held by the General Land Office that when a party acquires title under any of the provisions of the act of 1862, to one hundred and sixty acres, (one quarter of a section,) his privilege is thereby exhausted. Because the sixth section of this act is specific in its declaration, "that no individual shall be permitted to acquire title to more than one quarter section under the provisions

of this act." The ruling is, actual settlement, and cultivating the lands, are required in all cases, as required by the act of May 20th, 1862.

In the second section of the law of May 20th, 1862, it is stipulated in regard to settlers that in the case of the death of both father and mother, leaving an infant child, or children under twenty-one years of age, the right and the fee shall enure to the benefit of the infant child or children, and that the executor, administrator or guardian may sell the premises for the benefit of the infant heirs at any time within two years after the death of the surviving parent, and in accordance with the law of domicile.

The question has been made as to whether it is imperative the land shall thus be sold under the statute for the benefit of the heirs, or whether they can retain title under the original settlement.

## THE COMMISSIONER RULES.

That there is no objection under the general provisions of the law, to the maintenance of settlement and cultivation on the part of the heirs, and the issue of a patent in their names at the expiration of the required time, yet in such case the minor heirs must continue to reside upon the homestead; and the settlement and cultivation of the same be continued for their benefit.

In the case of a homestead settler who died unmarried, and where the father applied for preference right to take by ordinary purchase at \$1.25 per acre, it is held that, although privilege could not be granted, yet, on satisfactory showing of the death of the settler, with proof of his previous settlement and cultivation, the land could be paid for at \$1.25 per acre by the (legal) heirs of the deceased settler, under the eighth section of the act of May 20, 1862, and entry made under that section in favor of the heirs of the decedent, following in this respect the rule prescribed by the second section of the act of 3d of March 1843, in regard to deceased pre-emptors.

## TOWN SITES.

When Public Lands belonging to the United States have been, or are settled upon as Town Sites, and incorporated under the act of March 2d, 1867. They are not liable to the agricultural pre-emption laws. The corporation will enter such land (and where the town is not incorporated, the Judge of the County Court will act in the place of a corporation) so settled and occupied in such town at the proper land office at the minimum price, in trust, however, for the benefit of the several occupants thereof, according to their respective interests. The execution of which trust, in the disposal of the lots in such town, and the proceeds of the sales thereof to be conducted under such rules and regulations as may be provided by the legislative authority of the State or Territory in which the same may be situated. The occupants thereof will therefore settle for and receive their title to such town lots (at the minimum price) of the corporate authorities of such town.

All military reservations of the United States, mines of gold, and silver, cinnabar, or copper, (or any title derived from the Crown of Spain) are all exempted, and no title can be acquired to or by them by any individual or corporation under said act of March 2d, 1867.

W. I. APPELBY,

Atty. at Law and Clerk U.S. Supreme Court for Utah Ty.

## CATTLE! CATTLE!

WANTED to purchase YOUNG STOCK, CATTLE and COWS, over six years old, not wanted. Apply to B. F. KNOWLTON, 19th Ward.

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TO ASSIST DIGESTION USE  
**Red Jacket Bitters**

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## ESTRAY!

ONE dark bay MULE, about sixteen hands high, no brands to be seen; age not known. Said animal will be found at

Wm. WELCHER'S, Big Cottonwood Ward.

## ABRAM HATCH,

OF HEBER CITY, Wasatch Co., has just opened, in his new stone building on Main Street, a Complete Assortment of GENERAL MERCHANDISE, where the citizens and Traveling Public can be accommodated on the most reasonable terms.

Call and see us.

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GREAT  
REDUCTION

In the Price of the

Mason &amp; Hamlin

ORGAN CO.'S

## METROPOLITAN ORGANS.

New Inventions and  
VALUABLE IMPROVEMENTS

In their

## CABINET ORGANS.

I AM now receiving orders for these magnificent Parlor and Meeting House Instruments, to be delivered in this city, in February and March, at Manufacturers' Prices and Freight.

Illustrated and descriptive Catalogues sent free on application to

DAVID O. CALDER,

SOLE AGENT FOR UTAH.

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VICK'S  
Floral Guide for 1869.

THE first edition of One Hundred Thousand of Vick's Illustrated Catalogue of Seeds and Guide in the Flower Garden is now published. It makes a work of 100 pages, beautifully illustrated, with about 150 Fine Wood Engravings of Flowers and Vegetables, and an

ELEGANT COLORED PLATE.

## A BOUQUET OF FLOWERS.

It is the most beautiful, as well as the most instructive Floral Guide published giving plain and thorough directions for the

## Culture of Flowers and Vegetables.

The Floral Guide is published for the benefit of my customers, to whom it is sent free without application, but will be forwarded to all who apply by mail, for Ten Cents, which is not half the cost. Address

JAMES VICK,

Rockester, N. Y.

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## NOTICE!

In the Supreme Court for the District of Utah.

In the Matter of THOMAS CARTER, } In Bankruptcy.

TO WHOM IT MAY CONCERN: The undersigned hereby gives notice of his appointment as Assignee of THOMAS CARTER, of Salt Lake City, in the County of Salt Lake and Territory of Utah, within said District, who has been adjudged a Bankrupt upon his own petition, by the Supreme Court of said District in Bankruptcy.

HENRY W. ISAACSON,

Assignee, &amp;c.

Dated at Salt Lake City, the 6th day of November, A. D. 1868.

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## WANTED!

PASSAGE for a Man and his Wife to Los Angeles, Cal. Apply at the NATIONAL HOTEL, east of GODDE'S DRUGSTORE. Also, WANTED, a few Boarders at \$8.00 a week. A "Square" Meal at all hours 50cts. Parties supplied with SUPPER at short notice. Good Stables attached. Mules, Harness, and light Wagons for sale, at the above hotel.

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## Agents Wanted!

TO Canvass in every City and Town in the Territory

FOR THE MOST POPULAR

## SUBSCRIPTION BOOKS

OF THE DAY.

Apply to

O. H. ELLIOTT &amp; Co.,

BOOKSELLERS AND STATIONERS,

Opposite Bishop Hunter's Residence,

EAST TEMPLE STREET, SALT LAKE CITY.

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## NOTICE.

In the Supreme Court for the District of Utah.

In the matter of DALLAN & SUTHERLAND, } In Bankruptcy.

TO WHOM IT MAY CONCERN: The undersigned hereby gives notice of his appointment as Assignee of Dallan & Sutherland, of Springville, in the County of Utah, and Territory of Utah, within said District, who have been adjudged Bankrupts upon their own petition, by the Supreme Court in Bankruptcy for the District of Utah.

Dated at Salt Lake City, the 3rd day of December, A. D. 1868.

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## ESTRAYS.

THE following cattle have been brought to the

Stray Pound:—

One black Spanish OX, about 8 years old, branded C K on both horns, and Spanish brands.

One large brindle fine back OX, 10 or 11 years old, branded C K on the right horn, K C on left horn.

One white OX, with red neck, C K on right horn, K C on left horn.

One red HEIFER, about 2 years old, no visible brands or marks.

Which will be sold at the Stray Pound, January 25, 1869, at 1 p.m., if not sooner redeemed by the owners.

STEPHEN NIXON,

Poundkeeper, Wanship.

Dec. 25, 1868.

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## NOTICE!

In the Supreme Court for the District of Utah.

In the Matter of JOHN Y. GREEN, } In Bankruptcy.

NOTICE IS HEREBY GIVEN, That pursuant to an Order made by said Court, in the matter of JOHN Y. GREEN a Bankrupt, on the 8th day of December, A. D. 1868, a hearing will be had upon the Petition of said Bankrupt, heretofore filed in said Court, praying for his discharge from all his debts and liabilities, provable under the Act of Congress entitled "An Act to Establish a Uniform System of Bankruptcy throughout the United States," approved March 2, 1867, and for a Certificate thereof before said Court, on the 18th day of January, A. D. 1869, at 11 o'clock, A. M., at the Supreme Court Rooms in the City and County of Salt Lake and Territory of Utah, at which time and place any Creditor of said Bankrupt, or any other person in interest, may appear and show cause, if any they have, why the prayer of the said Petition should not be granted.

Notice is further given that the third meeting of the Creditors of said Bankrupt will be held before R. H. Robertson, Esq., Register in Bankruptcy for said District, at his office in said City, on the said 18th day of January, A. D. 1869, at 10 o'clock, a.m., of said day, and that at the time and place first aforesaid, Henry W. Isaacson, Assignee of said Bankrupt's estate, will apply to said Court for a discharge from all liability as such Assignee.

W. I. APPELBY,

Clerk of said Court in Bankruptcy.

E. P. JOHNSON, Petitioner's Attorney.

Salt Lake City, December 14, 1868. w45 4

## To Whom it may Concern:

THE United States Surveyor General's Office for the Territory of Utah, established by Act of Congress approved July 16, 1863, and located by order of the Secretary of the Interior at Salt Lake City, has been organized and is now open for the transaction of business.

Surveyor General's Office, Salt Lake City, Utah, November 17, 1868.

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## NOTICE!

In the Supreme Court for the District of Utah.

In the Matter of Wm. STANSFIELD, } In Bankruptcy.

THIS IS TO GIVE NOTICE, That on the 10th day of December, A. D. 1868, a Warrant in Bankruptcy was issued against the estate of Wm. STANSFIELD, of the City and County of Salt Lake and Territory of Utah, who has been adjudged a Bankrupt, upon his own petition; that the payment of any debts and the delivery of any property belonging to such Bankrupt, to him, or for his use, and the transfer of any property by him, are forbidden by law; that a meeting of the Creditors of said Bankrupt, to prove their debts, and to choose one or more assignees of his estate, will be held at a Court of Bankruptcy to be holden on the 18th day of January, A. D. 1869, at 10 o'clock a.m., before R. H. Robertson, Esq., Register, at his office in Salt Lake City in said District.

JOSHUA HOSMER,

U. S. Marshal and Messenger in Bankruptcy.

By Wm. P. APPELBY, Deputy.

Dated Salt Lake City, December 14, 1868.

O. F. STRICKLAND, Petitioner's Attorney.

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## NOTICE!

In the Supreme Court for the District of Utah.

In the Matter of ABRAHAM WATERS, } In Bankruptcy.

TO WHOM IT MAY CONCERN: The undersigned hereby gives notice of his appointment as Assignee of Abraham Waters, of Salt Lake City, in the County of Salt Lake and Territory of Utah, within said District, who has been adjudged a Bankrupt, upon his own Petition, by the Supreme Court of said District.

HENRY W. ISAACSON,

Assignee, &amp;c.

Dated Salt Lake City, the 31st day of December, A. D. 1868.

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