

cannot live; Wm. Hedge, leg broken; a Chinaman was buried under the rains and not found; Thomas Gill was hurt in the face; Richard Palmer was hurt in the arm badly; Hugh McMillan had his leg broken and internally injured; James Hickey, the foreman, was hurt in the foot and otherwise severely injured; Mrs. McKinney and child were buried in the ruins of the boarding-house and extricated with difficulty; John McMillan was buried in his cabin and taken out slightly injured. The whole town is a hospital. Rumors fly around thickly, and every moment news comes of more deaths and injuries. As far as heard from, there are eight known to be dead and over forty wounded, with the prospect that many of them will die from their injuries. It is impossible to get the particulars. Everybody is excited; women and children are crying and searching for the remains of loved ones. Probably many were blown into the air, and their remains scattered broadcast. Everything is being done that kind hearts and willing hands can do. The Miners' Union building is improvised into a hospital and the Masons and Odd Fellows are active in their efforts to alleviate the sufferings of all. The shock was scarcely felt underground. At the three hundred level the men felt a slight jar, but paid small attention to it. Fortunately the drifts had just been connected, so that no injury was done to any below ground. The shock was felt on the surface a distance of 20 miles, as learned by telegraph from Bridgeport.

#### FOREIGN.

LONDON, 9.—The revolt in the House of Commons on Monday night of a small radical section of the liberals, about 36 in number, against the Marquis of Hartington's authority as leader of the liberals caused a counter demonstration last night when the Marquis on rising, to support the motion of the government relative to a question of privilege, was received with loud and prolonged cheers from the liberal benches.

Another series of trials for political offenses will begin at Kieff on Saturday.

Contributions of Peter's pence for the first half of the present year increased £23,000 compared with the corresponding period of 1878.

The troopship *Orontes* having on board the body of the Prince Imperial was sighted off Eddystone light at 1 this p.m., and is expected at Spithead at midnight when the body will be transferred to the admiralty yacht for conveyance to the royal military academy at Woolwich.

A dispatch from Capetown, June 24th via Maderia, reports that Gen. Crealock reached Fort Chelmsford June 19th. A general advance was made on the 20th, and the Umlalazi river was bridged on the 21st. Gen. Newdigate has reached the Upoko river. His advance guard is near Iabanango. Col. Wood was expected to join Gen. Crealock in a few days. It is rumored that Cetewayo has withdrawn the regiment which was watching the first division, in order to defend Kraal. The Amatongas are prepared to enter into alliance with the British.

In consequence of the delay of the Porte in appointing commissioners for the delimitation of the Greek frontier, the Greek deputies have been convoked in extraordinary session on the 22d inst.

The request of Marshal McMahon to be permitted to attend the funeral of the Prince Imperial has been refused.

President Grevy will shortly pardon 1,463 political offenders.

The French Chamber of Deputies passed the educational bill by a vote of 352 to 159.

A Paris correspondent of the *Times* states: Everything tends to show that Prince Jerome Napoleon intends accepting the position of Prince Imperial.

The report of the sinking of a steamer on the river Doaba in a hurricane, with great loss of life, as reported on the 7th inst., is untrue.

A *Times* correspondent at Berlin telegraphs that soon after the arrival of Prince Alexander in Ternova a fire broke out near the Prince's palace, and destroyed forty houses. Five soldiers were killed.

BERLIN, 9.—The debate on the tariff bill was continued in the Reichstag, to-day. Windthorst defended Frankenstein's motion to distribute surplus revenue among the Federal States. Bennigsen de-

clared that if the motion passed he would vote against the tariff bill. Freindenthal declared his resignation as Minister of Agriculture was not caused by Frankenstein's motion, which he intended to vote for. It is believed the views of Dr. Falk, late minister of ecclesiastical affairs, are the same as those of Freindenthal's on this question.

Bismarck said the Liberals by their negative attitude had destroyed his hope of affecting an understanding with them. He had resolved to support Frankenstein's motion because he could not follow the course proposed by the other parties in the Reichstag. That course was but little removed from social democracy. He denied that the constitutional right of Parliament to vote supplies had been shaken.

He had felt himself abandoned more and more by the National Liberals, but he had not broken with any party. His constant endeavor was to maintain German unity. He considered that the financial pressure had been greatly alleviated, and he believed the present financial work would produce great blessings. Bismarck concluded by saying that he would pursue his work to the end, whether he reaped hatred or love.

Windthorst stated that the Centre party had neither asked nor obtained concessions. Their co-operation with the Conservatives depended on the conclusion of Kulurkamp, but they hoped with the Conservatives to effect a revision of the May laws.

LONDON, 10.—The following are the official arrangements so far made for the Prince's funeral. The *Enchantress* will reach the Royal Arsenal at Woolwich between five and seven o'clock on Friday evening. The coffin will be carried ashore by the seamen to an isolated octagonal dome roofed structure used as an armory by the Kent rifle volunteers. The interior of the building which is only 20 feet in diameter, will be draped in black. The coffin will be opened immediately when it arrives here, and the corpse formally identified. There will be a few watchers; sentries will remain in the armory all night with a strong guard of honor of the Royal Artillery outside. At about 5.30 on Saturday morning the coffin will be placed on a gun-carriage drawn by eight horses and conveyed to Chiselhurst escorted by the royal horse artillery.

On account of the removal of the body of the Prince Imperial from the Royal Arsenal at Woolwich to Chiselhurst on Saturday the whole distance will be traversed at a walking pace, the procession reaching Camden House about 8 o'clock. The whole Woolwich garrison will proceed separately to Chiselhurst. The funeral bells will be tolled as the corpse leaves Woolwich. On arriving at Camden House the coffin will be carried by the officers of the artillery into the hall where the body of the Emperor lay in state. The hall will be draped in white. The corpse will remain until 11, during which time a mass of requiem will be celebrated in the presence of a select party by Father Gordan, chaplain to the Empress. The officers will then replace the body on the gun-carriage and a procession will be formed consisting of the first class of cadets of the military academy with reversed arms, mounted band of artillery and then the coffin. The mourners are expected to include the Prince of Wales, the Duke of Connaught and the Duke of Cambridge, besides French notables. The Church of St. Mary's is distant only half a mile from the house, but the procession will follow a devious route to avoid declivities. It is expected there will be a crowd of one hundred thousand spectators present. The fifth lancers will keep the route clear. Three batteries of artillery on the common will fire minute guns during the progress of the procession, and the cadets will fire three rifle volleys as the body enters church. The officers will carry the coffin from the gun-carriage and file out of the side door, leaving the remaining duties to the friends of the deceased. The ceremonies will consist of a short mass and will probably be concluded by noon. Three chairs used by the Imperial family have been placed inside the altar rail. The ex-Empress will occupy her chair. Members of the Bonaparte family present will be stationed outside of the rail of the sanctuary on the right and left of the altar and members of the household. A pavilion on the deck of the *En-*

chantress has been fitted up as a mortuary.

The following are already at Chiselhurst to attend the funeral: Duke and Duchess of Mouchy, Prince Murat, Rouher, wife and daughter, and the Princess of Morikowa. It is probable that Prince Jerome Bonaparte will be present. Princess Clothilde and her sons will certainly be present.

LONDON, 10.—A dispatch from Capetown, June 22d, says: General Sir Garnet Woolsley arrived to-day, and immediately started for Natal.

Telegrams received at Capetown state that the British forces are within twenty-five miles of Cetewayo's Kraal.

In consequence of the defective state of the transportation service, General Woolsley has summoned a meeting of native chiefs at Maritzburg, on the 30th of June, to devise measures for transportation by native carriers.

Zulu prisoners state Cetewayo will allow troops to advance near Ulandi and then attack.

A dispatch from Rorkes Drift, June 24th, says: The decision of the court martial in the case of Lieutenant Carey has been sent to England for confirmation prior to publication.

William Stackpole, member of Parliament for Ennis, is dead.

A dispatch from Rome, states the court of cassation has pronounced against the claims of Countess Lambertine on the estate of Cardinal Antonelli.

A Berlin correspondent says: There are marked symptoms of estrangement between Germany and Russia.

Prince Bismarck will meet Archbishop Masilla, the papal nuncio to Bavaria, at Kessinger, in July, when it is thought a final understanding between Germany and the Vatican will be reached.

The British bark *John Patterson*, from the Andressan for San Francisco, put into Rio Janiero on the eighth of July, with her cargo on fire.

The journalists of Lyons, France, last evening, gave a banquet in honor of De Lesseps. Nathan Appleton, of Boston, who was present, replying to the toast "United States," expressed the opinion that America would heartily second the Panama Canal undertaking.

There is reason to believe the great powers will disapprove the manner in which Aleko Pasha, governor general of Roumelia, is acting. They probably would not refuse to assent to his removal by the Porte. The British military attache has drawn up a report commenting unfavorably upon the administration of Aleko Pasha and his nominees.

A St. Petersburg dispatch says: The dissenters from the orthodox church who have been accorded full liberty of worship are the sect known as "Old Believers." Other dissenters will remain under the existing disabilities.

Paul de Cassagnac has come to England to attend the funeral of the Prince Imperial.

The Greek minister at Constantinople has been semi-officially informed that the Turkish commissioners for the determination of the Greek frontier will be appointed by the end of the week.

#### SUPREME COURT DECISION.

In the Supreme Court of Utah Territory, June term, 1879.

Wm. F. Blake, appellant,

vs.

The Butte Silver Mining Company, respondent.

Appeal from the Third District Court.

Justice Boreman delivered the opinion of the Court:

The contest in this case is between the Oregon mining claim and the Butte mining claim. Both locations were made prior to the enactment of the law of 1872, respecting mining locations. The Butte was prior in time, as it was located on the 9th day of August, 1870, and the Oregon was located on the 20th day of September, 1871. The Butte claim was afterwards patented, and against the procuring of which patent the Oregon claimants did not protest. The surface grounds of these claims conflict, but the Butte lode and the Oregon lode are separate and distinct veins. The Oregon lode extends within the boundaries of the Butte location, and hence the re-

spondent lays claim thereto. The respondent began work upon the Oregon lode, but within the boundaries of the Butte patent. Thereupon appellant obtained a temporary injunction, which, upon motion of respondent, was dissolved. From the order dissolving the injunction this appeal is brought.

A person who makes a valid location of a mineral ledge or lode and complies with the laws and the local mining rules in respect thereto, obtains a vested right to such property, of which he cannot be divested.

The act of 10th May, 1872, says "that nothing contained in this act shall be construed to impair, in any way, rights or interests in mining property acquired under existing laws." (17 U. S. Statutes at Large, p. 96, sec. 16. U. S. Rev. Stat. sec. 2344.)

The law of 1872 says further that mining claims "heretofore located shall be governed as to length along the vein or lode by the customs, regulations and laws in force at the date of their locations." (17 U. S. Statutes at Large, p. 93, sec. 2. U. S. Rev. Stat. sec. 2320.)

Under the law as it stood prior to the act of 10th of May, 1872, there is no question as to what the relative rights of the parties would have been, for under that law each locator was entitled to but one vein, whereas under the law of 1872 he is entitled to all veins having the top or apex inside his surface lines. The only question is as to whether the law of 1872 changes these relative rights.

The application for patent was based upon a location made under the law of 1866, which gave the party but one vein, and prior to the law of 1872 the rights of parties claiming other veins, could not have been affected by any patent that the applicant could obtain. These rights of plaintiff to this separate vein being, by the last section of the act of 1872, as we have seen, expressly reserved and protected from any harm by that act, it was not necessary that he should protest. Had he protested, he could have secured no more than is secured to him by the law without his protesting.

Under the law of 1866 he had the right to the full length of his claim as located along the vein. As that right is not impaired in any way by the law of 1872, the appellant still has that right.

Nor do we see that it was necessary that he should have done work on that part of his vein embraced within the surface boundaries of the respondent. It is not denied that this portion of the vein was within his location claim. He had made his location, according to law and mining rules, and the doing of work upon any part thereof and being in possession thereof where such work was done and claiming to the full extent of his location, would be sufficient. The appellants therefore had under the statute the right to that part of the Oregon lode which entered the land of respondent, and the respondent had no right whatever thereto.

But the patent itself, which the respondent sets up as the basis of his action, does not purport to grant the Oregon vein to respondent, but it says that the grant is "subject to the right of other parties to follow any other vein or lode, with its dips, angles and variations legally held under a location made made prior to such date."

If this provision had been left out of the patent, the position of the parties would not have been affected, as their rights are governed by the law. But when a patent is presented which, on its face, negatives the claim of the patentee to other valid locations, it would seem that respondent's want of title to any such other vein was clearly manifest.

For the reasons given, we think that the order of the court below should be reversed with costs.

#### INDEPENDENCE DAY.

##### KAMAS.

The people of Kamas celebrated the 103rd anniversary of the Declaration of Independence in a spirited and patriotic manner, with the firing of guns, the unfurling of flags, patriotic speeches, beautiful singing, toasts, etc., in the forenoon; and in the afternoon dancing for the children, and swinging, horse-racing, bell-racing, etc., continued until evening, at which time the adults participated in a dance until nearly morning. A good spirit pre-

valled throughout the day, and all the exercises passed off pleasantly, which gave the people of Kamas a desire to engage in another, and if possible a better, celebration on the 24th inst.

##### HUNTINGTON, CASTLE VALLEY.

A salute fired at sunrise. Next the raising of a liberty pole, under the supervision of Wm. Avery, marshal of the day. Hoisting of the flag at 2 o'clock, when another salute was fired, after which the assembly was convened in the house of Wm. Avery, and called to order by the marshal. Singing by the choir; prayer by the chaplain, Elias Cox. Singing by the choir, after which the Declaration of Independence was read by the reader of the day.

Then the cause of liberty was ably defended in an appropriate address by John Todd, orator of the day; which was followed by spirited speeches from E. Cox, S. Wilson and Wm. Avery. Then the meeting was enlightened by songs, toasts and sentiments, intermixed with cheering strains of music. The meeting was then closed with singing by the choir; prayer by the chaplain.

Then followed foot and horse racing, with other amusements, till time of dancing, when young and old enjoyed themselves till a suitable time for dismissal.

ELIAS COX.

##### HILLSDALE.

The Fourth passed off quietly and was celebrated in the following manner, viz:

At daybreak a salute by the artillery; at sunrise the Stars and Stripes were unfurled from the liberty pole; at 10 a. m. the citizens assembled at the school house, and the exercises were as follows: Singing by the choir, prayer by the Chaplain, J. F. Johnson, music by the string band, oration by S. Johnson; "Star Spangled Banner" and other songs, comic and sentimental were sung, closing with prayer by the chaplain.

At 3 p. m., the children met for a dance and other amusements were indulged in, and at 8 p. m., the older folks commenced to trip fantastic toe, and every body seemed to enjoy themselves first-class.

Committee of arrangements: M. Degraw, H. A. Martineau and J. W. Wilson.

The season so far has been the driest one for years; we had two or three light rains about April 1st and none since, and feed is getting quite scarce, but so far no stock have died of starvation. Our crops are somewhat backward, but it is getting warmer so they are taking a start which we hope will continue. Health first-rate and everybody seems to feel well considering the disadvantages under which we are laboring.

BACH E. LOR.

##### GLENWOOD.

Hoisting of stars and stripes at sunrise, accompanied with volleys of musketry. Serenading of citizens, by the martial band, under Capt. C. Fairbanks. At 9 a. m. general assemblage of citizens at the schoolhouse, which was formed into procession by I. W. Pierce, marshal of the day. The procession marched to the residence of Bishop A. T. Oldroyd, where the Sunday School choir sang "The Iron Rod." The procession then paraded through the principal streets and back to the schoolhouse, and was seated in the bowery adjoining. Meeting called to order by the marshal, opened by the choir singing a patriotic glee. Prayer by James Done, chaplain; music by the martial band, "Yankee Doodle." Reading of the Declaration of Independence by John W. Jackson; oration by Thomas Jackson, Sen., speech by Bishop A. T. Oldroyd; stump speech by George Powell; speech by Sister Louisiana Heppler—subject, The rights and privileges enjoyed by the Ladies of Utah; a comic song, by George Powell; an address by Sister M. A. Buchanan—subject, The Patriotism of the Saints; toasts and sentiments; patriotic song by the choir; benediction by the chaplain. In the afternoon, a dance for the Sunday-school children. In the evening a dance for the adults. The whole passed off with good feeling on all sides and without accident.

EDWARD PAYME,

Reporter.

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