DESERET EVENING NEWS.

Copy for Advertisements which are expected to appear in the Evening Issue must be in the office at noon and should be handed in to the business department not later than 10 a. m.

Rates of Advertising furnished upon application.

Copy for advertisements must be on hand early.

Wednesday, July 6, 1892.

FRAGMENTS.

HIGH COUNCIL tonight.

THE Young Ladies' Aid society will hold a picnic at Calder's park on Thursday, July 7.

THE Wool Growers' association of Utah will hold its annual meeting in this city on July 15.

THE land seizure case of Thomas J. Alsop vs. Eva E. Starkweather, is in progress at the land office.

YESTERDAY's clearings in the Salt Lake Clearing House amounted to $1,0[illegible], as against $[illegible] for the corresponding day last year.

At the Centennial hotel yesterday afternoon there was a meeting of the board of lady managers of the World's Fair. Among those present were Mrs. Salisbury and Mrs. Roberts, of the National board. Their object was to for the organization of county work and for the appointment of committees. Secretary Fordham was appointed to make the necessary printed matter from Chicago, and to assign to many ladies so promising for support in the work.

IN SOUTHERN UTAH.

The Settlements of the Saints on the Rio Virgen and Its Tributaries.

Editor Deseret News:

On the 17th of April last, I finished my historical labors in St. George, Utah, and proceeded to visit all the settlements of the Saints situated on the Rio Virgen and its tributaries above St. George.

At Washington, located about five miles northeast of St. George, on the north side of the Rio Virgen, I spent the Sabbath very pleasantly and learned from the old residents that the place was first founded in 1857, as the first agricultural settlement of the Saints in Utah Dixie, South Clare, having up to that time, and for some time afterwards, been established as only an Indian mission. At one time Washington contained a population of more than 600 souls, while the present total membership of the ward only consists of 132, [illegible] families. This decrease in population is due to a number of causes, but the principal one is the washing away of the dams and ditches which the settlers have constructed year after year for irrigation purposes. The treacherous Rio Virgen has taken them all away and for the last three years the place has had no water, save the very scanty supply obtained from the springs on which the town is situated—not sufficient to irrigate half the city lots. But now there are fair prospects ahead, as the St. George and Washington dam and canal on the south side of the river are nearing completion. This dam, on which the future prosperity of both Washington and St. George depend, consists of a natural ledge of solid rock which crosses the river about five miles above Washington. By blasting a tunnel through a mountain point the constructors of the canal obtained a safe and solid place for a head gate, and then commenced their ten-mile long canal, which, when it reaches the old Washington field (2 miles below, bring the water at least higher than the old ditch. The canal is four feet deep and ten feet wide in the bottom, and is cut in the side of the mountains, part of the way through solid rock; there are also five tunnels, the longest of which measures 112 feet in length. Weirs gates are placed at proper intervals, by means of which the silt masses which will naturally accumulate in the bottom of the canal can be washed out whenever it becomes necessary, and thus save a very great amount of manual labor, such as has been bestowed upon other ditches in order to keep them clean.

After visiting the dam, I continued my journey via Harrisburg to Leeds, where I held a meeting in the evening of the 18th of April.

Harrisburg is almost a town of the past, all the inhabitants except half a dozen families having moved away but most of those have located at Leeds, two and a half miles to the northeast, as this is a most pleasant situation and is become a very prosperous place in a financial point of view. The people there are perhaps better off as a whole than any of their Dixie neighbors, which is owing, no doubt, to the close proximity of their town to the mining camp of Silver Reef, situated over a range northwest about one and a half miles distant, but Silver Reef, the most mining camps in Utah, has apparently seen its best days, the mines have not been worked, except one or two, which make an occasional short run, whenever a sufficient quantity of ore is obtained for this purpose by the few miners and proprietors who still lingers around the camp. The numerous business houses and dwellings which once stood in Silver Reef are now being hauled away, principally to Leeds where our people are using the material in the construction of houses, stables, fences, etc. The Leeds ward, embracing Harrisburg, numbers two hundred and thirty-eight souls, or thirty families of Saints, presided over by Bishop Brigham Y. McMullin.

From Leeds I proceeded to the famous Toquerville, situated on Ash Creek, twenty-three miles east of St. George and thirty-nine miles southwest of Cedar city. Toquerville was first settled in 1857, and has at present a "Mormon" population of two hundred and eighty-seven souls or fifty-seven families. Here, as well as in St. George, I made the acquaintance of quite a number of old "stand-by's"—veterans in the Church, who have borne the burden of the "kingdom" until their hairs are white as snow and their faces furrowed with wrinkles of care and age. Brother William A. Stoughton is the Bishop of this interesting place which has an air of comfort about it that attracts the attention of most visitors, although it is bounded on by a black ridge of mountain on the east, and a dreary sandy desert on the west. It is truly an oasis in the desert, beautiful and fertile, while the surrounding country is as desolate and dreary as anything possibly can be.

ALBINON JENSEN.

SALT LAKE CITY, July 2, 1892.

SUPREME COURT.

Opinions Rendered This Morning on Matters Previously Submitted.

THE CHURCH CASE SET FOR ARGUMENT.

An Interesting Case Coming Up From the Fourth District.—A New U. S. Commissioner, Etc.

An adjourned session of the Territorial Supreme Court was held this morning, all the Judges, with the exception of Associate Justice Miner, being present. The minutes of the last session were read by Clerk Backe and confirmed.

FENCING PUBLIC LANDS.

Judge Blackburn rendered the Court's opinion in the case of the U. S. of America, respondent, vs. M. R. Baker et al, appellants.

The appellants were convicted on an indictment charging them with fencing in the public lands, contrary to the statute of the United States. The case was submitted to the jury on an agreed statement of facts; defendants moved the court to instruct them to return a verdict of acquittal; this was refused, and defendants excepted. The court now held that when the government granted land from the public domain it made the grant simply as a land proprietor and retained the same rights or privileges which a private individual would retain under the circumstances. At the time this grant was made to the Railroad Company the law authorized the citizens to acquire title to separate quarter sections of the public lands, so that in order to allow the disposition of the alternate sections the government reserved the right to the free access of the public to each quarter section of the reserved sections. So that whether there was a statute against enclosing the public lands or not, the owners of these railroad lands would have no right to enclose their lands so as to exclude the public from access thereto. If the grantees of these railroad lands enclosed public lands so as to prevent the public from entering upon them for settlement, or other lawful purpose, even if done by placing the fence which constituted the enclosure all on their own lands, they should be held guilty. They had no right to exclude the public from the public lands at all. It could not be supposed for a moment that Congress in granting alternate sections of land to the railroad company included by implication, a grant to it to enclose and prevent the settlement of all the alternate reserved sections.

Judgment affirmed with costs, Justices Zane and Anderson concurring.

OTHER JUDGMENTS AFFIRMED.

Judge Anderson delivered the opinion in the case of Hans Anderson, plaintiff and respondent, vs. the Ogden Union Depot and Railway Co., defendant and appellant. (Appeal from the First District.)

The action was brought by plaintiff to recover damages for injuries alleged to have been received through the negligence of the defendant's servants while in their employ as a laborer, operating a truck of cars in the hauling of gravel from a pit near Ogden. A verdict was found by the jury for $7000. Defendants filed a motion for a new trial, which was ordered granted unless plaintiff would remit $2500 of the judgment, which was done. The motion was thereupon denied and judgment in chief for $4500 and costs. The appeal was based on the refusal of a new trial.

The Judges now affirmed the judgment of the lower court. Justices Zane and Blackburn concurred.

In the case of Marcus Shoup, respondent, vs. Joseph Shoup et al., appellants, which was an action to recover damages for injury to plaintiff's and his assignor's crops in consequence of their being wrongfully deprived by defendants of the use of the waters of Four Mile Creek, Judge Zane rendered the opinion, which was concurred in by Justices Blackburn and Anderson. The judgment of the court below was affirmed.

MORE TO FOLLOW.

Chief Justice Zane said there were several other opinions ready to be delivered, but they would be held over until Judge Miner could be present.

ADMITTED TO PRACTICE.

Upon motion of Attorney J. L. Rawlins, Mr. Oscar W. Moyle, of this city, was admitted to practice at the bar of this court.

A NEW U. S. COMMISSIONER.

The Court appointed Tom Ferguson, of Marysvale, Piute county, a United States Commissioner.

GOING TO THE U. S. SUPREME COURT.

The case of the United States vs. Baron et al. (reported in an opinion above) will be carried to the Supreme Court of the United States on a writ of error. This court fixed the bond at $[illegible].

THE CHURCH CASE.

Attorney W. H. Dickson, on the part of the defendants, mentioned the case of the United States vs. the Corporation of the Church of Jesus Christ of Latter-day Saints, the Reorganized Church, in which the decision should be rendered to-day, and asked that the case be set for argument. Mr. Dickson said that the Supreme Court of the United States by the October term, Attorney F. S. Richards, her wife, had been sick, and could not attend here before the 15th or 20th of August. After that time he would like the case taken up as soon as possible. This was a very important matter, in which something like $250,000 or $300,000 worth of property was tied up in the hands of the Receiver.

District Attorney Varian said Mr. Richards had told him that he would rise to file a brief in this case, and therefore urged him not to press the matter for argument at present.

Mr. Dickson, replying to the district attorney, said that if Mr. Richards was not able to file his brief in time, when the case had been set, so that Mr. Varian could reply, he and his colleagues would reply to it in the form of oral argument, rather than let the case go over for an indefinite period.

The court set the arguments for September 1st, at 10 a. m.

DEMURRER TO GRANT.

Attorney Maginnis, reverting to the case of McCornick vs. Auditor Pratt (an appeal from the Fourth district), said that it appeared the question of the expenditure of a large amount of money—some $22,000—appropriated by the last legislature to the agricultural college, which could not be applied to the purpose intended until the matter had been disposed of by this court. All the parties were now ready to take up the case.

Chief Justice Zane said it would be called up some time during the present term.

ALBERT KERN AGAIN.

Attorney Armstrong brought up the appeal of Albert Kern, who is at present undergoing a term of eight years in the penitentiary for robbery of the house of Mr. Wood, near the Warm Springs. Counsel has previously waived oral argument; energy in this case, and he now tries again to obtain a new trial for his client on several grounds. These included a defective indictment, the admission of improper evidence, and erroneous instructions of the trial judge.

District Attorney Varian opposed the motion, which was then submitted.

THE AUDITOR SUE.

On adjournment the chief of Justice Zane announced that the court would adjourn until August 2d.

MISCELLANEOUS.

Clerk Backe, the new Territorial Revisor, has put the Supreme Library in fine shape. The books are all arranged on the shelves in excellent order, and the room is furnished with a number of well polished tables at which attorneys and others desiring to consult any legal work may sit quietly and comfortably as long as they please. It is a big improvement on the old dark and dingy library quarters in the Wasatch building.

Bailiff Sarsons's blood was up this morning. For great weeks he has been cautioned by men working on the elevator in the new building that the hoist would be used by Supreme court officers interfered with for a time. Presently Mr. Sarsons was requested to speak to the workmen, and for a few moments the hammering stopped. But when it broke out again the bailiff displayed remarkable agility. He covered the distance between his chair and the elevator almost a single stride, and attacked the offenders vigorously with his tongue. When the wrangle ended the workmen noted for a brief season that the court was not further interrupted.

OBSERVATIONS BY THE WAY.

Boston and the Irish and the Negro—Eastern Heat and Railway Wrongs.

It is very generally understood that the Irish control the city of Boston. No conception of that fact can be had, however, until you know Boston personally. My recollections of the old place run over many years and I can see the changes that have gone quietly forward there. When I was a boy Boston had many Irish. But then they were doing the rough work of the town—digging the sewers, cleaning the streets and cellars, paving the streets, carting away the bills and filling up the marshes. There were few rich or "well-to-do" Irish then. Today the Irish are still doing the rough work of Boston, but there is a different way. That is, they control the politics of the city, fill the offices, manage the finances, make up the laws and administer them for the people. Today there are many Irishmen in Boston who are, comparatively speaking, rich. Many are still using the pick and shovel, driving the horses in livery stables, constructing sewers, but the Irish of today show a vast improvement over the Irish of fifty years ago. There are quite a lot of young men among them who are as clean, bright, well dressed, handsome fellows as can be seen on the continent. The Irish are, show an upward advancement. Whether they are as staunch Catholics as were those of fifty years ago I have not met, but I think the Catholics are almost wholly in the hands of the Irish. The hotels show that the Irish are rapidly coming to take the place of the old negro waiters. When you hear the voices of the women on the pave, you know that, in spite of the underlying Dutch predominant, the Irish are getting there also.

Speaking of the negro waiters reminds me that Boston has the negro divided with the Irish the waiters of Boston. That is, Negro Dixon has "picked" some champion fighter as his champion to serve Jack L. Sullivan slugged his man. Of course it goes hard for an Irishman to concede that the negro is good for anything.

The Irish boy, when I was lived in Kansas twenty years ago, tells me that the negroes there are doing well. They are, in fact, becoming prosperous. Yesterday, the Republican party was represented by large numbers of soldiers and all are doing well. When we consider that the Foreign elements are the workers of the land and are becoming the owners of it, the question arises—will they not in time become the owners of the country?

I have never before suffered from the Eastern climate. It must be that we have never had such a mean atmosphere to breathe at Salt Lake. There seems to be poison in the air. Even those acclimated suffer. How the great humidity. I am hurrying back to the mountains where I can breathe and breathe again. Poor Chicago seems to be suffering more than most cities from the disagreeable weather, and the people are fearful of the result in the health of the city.

I have been impressed with the fact that a monopoly is yet on railways is working a serious hardship upon the rights of the people. I mean the Pullman Car Company. Their cars are crowding out the ordinary coaches. It is becoming the rule to so crowd the people into one or two cars that their discomfort will force them to take refuge in the Pullman cars. But that is a wrong that will have to be righted if it is attempted. Within a week I have traveled hundreds of miles on a train and have seen only one woman obliged to stand for hours in the ordinary cars, while there were from three to six Pullman cars on the train not half filled. All wrong. If the rich can afford a Pullman, the poor should have seats, and they must have them.

I have just left Sault Ste. Marie and Young, of Salt Lake, in Chicago. Mr. Marie is coming out with flying colors and in better shape than ever.

CHARLES ELLIS.

A very good and simple face tonic is the dropping of lemon juice into the water you bathe the face with. Then will yellow and wrinkles fade away.

POWERS WANTS SOME MONEY.

He Asks for Twenty-five Thousand Dollars From the "Deseret News."

The following answer, demurrer, or complaint, or speech, or whatever it may be called, was filed on Tuesday and is herewith presented in full:

Territory of Utah,
County of Salt Lake, } ss.

In the Third Judicial district court. Orlando W. Powers, plaintiff, vs. the Deseret News Publishing Company, a corporation, defendant.

The plaintiff above named comes and complains of the above named defendant and for cause of action alleges: First—That the said defendant, the Deseret News Publishing Company, is now and was at all the times hereinafter mentioned a corporation organized and existing under the laws of the Territory of Utah, and is now and was a publisher of the Daily Evening News, a newspaper published in Salt Lake City, Utah Territory, being a newspaper of large circulation in Utah and other Territories and States of the United States.

Second—Plaintiff further alleges that in or about the month of April, A. D. 1885, this plaintiff was duly appointed by the President of the United States to a certain office of the Supreme court of the Territory of Utah, and thereafter and for more than five years next ensuing, to wit, the 6th of August, A. D. 1890, plaintiff held and occupied said office to which he was appointed as aforesaid, and performed the duties thereof.

That in virtue of his said office he during said time held and exercised and performed the duties of presiding Judge of the First Judicial District of said Territory.

Third—Plaintiff further alleges and shows that in or about the month of September, A. D. 1889, said defendant was duly appointed to the office of publisher of said District, there was duly for District Court Judge plaintiff in his said official capacity, a certain award in cause entitled the Boston Herald and Champion Mining Company, plaintiff, against Dorsia Hill Mining Company, John G. Packard and John H. McCrystal, defendants. And thereafter the said cause was duly and regularly tried in said court before plaintiff in his said official capacity, and judgment thereon was duly given and rendered by plaintiff as presiding judge of said court.

That said defendant well knowing the premises did on the 2nd day of July, A. D. 1892, knowingly and maliciously, and with intent to wrong and injure the plaintiff in the premises, compose and publish in said newspaper of said defendant, concerning the plaintiff and of and concerning the matter in his said official capacity the malicious, false, and defamatory matter of the tenor following, that is to say:

"AN ENEMY IN PRINCIPLE.

"The 'Liberal' organ is still posing as the champion of O. W. Powers, the Democratic judge, and doing its best to slap him (meaning the judge) in the face. Everything it says about him attracts attention to things he has no desire to be discussed, and gives up to publicity proceedings that had better for his sake (meaning the plaintiff) remained quiet. In all his life organ exhibits the chronic infirmity of blindness to logic and impotence to reasoning on opponent to prove its own assertions to accept its bald statements as admitted facts. When we challenged it to give evidence to support its bald and groundless charges, it made us to feel for an instant that we were in a court where we summoned that we are ready with the record of certain matters it assumed to be facts, and where, on our submission that we are ready with the record of certain matters it assumed to be facts, and where, on our submission that we are ready with the record of certain matters it assumed to be facts, and where, on our submission