

## BOULANGER ONCE A VISITOR HERE.

It appears that the celebrated General Boulanger was once a visitor in this city. He stated recently, to an American correspondent, that, six years ago, on his way from New York to San Francisco, he stopped over a short time in Salt Lake and took a good deal of interest in what he observed. The correspondent made an attempt to draw the General out on the subject of plural marriage. He had very little to say about it, however, except that in his opinion one woman was about all that one man was capable of managing, experience having satisfied the people of America and Europe upon that point. Further than thus expressing himself, he had nothing to say on the subject.

## A BIG METEOR.

The dispatches tell of an enormous meteor falling at Spokane Falls, Tuesday evening at a late hour. It seemed to descend vertically from the heavens, which is a very rare if not previously unheard-of occurrence, showing that its path must have been very tortuous, not to say erratic, while to the eye appearing to move in a straight line downward. It would require more space than the limit of a newspaper article to describe all this, but the reader can obtain a glimpse of the course pursued by meteors in reaching the earth, by reflecting on some things, among them that there is no such thing as "up," the direction that appears to be so now constantly changing until twelve hours hence, when it is directly opposite. Meteors are drawn to the earth by reason of its immense attractiveness, from ethereal space, or, it may be, from the moon. The earth is constantly making three separate and distinct motions each with great velocity—on its own axis at the rate of 1,000 miles an hour at and near the equator; around the sun at a speed of 68,000 miles per hour at perihelion and 72,000 at aphelion, and, with the sun and the other planets, around some unknown centre at a rate of speed incalculable and inconceivable. When these are considered, it may be understood why there is so much aberration of light and why it is that meteors do not approach us with directness. Perhaps the people at Spokane Falls were too much overcome with excitement to note with exactness the route of their awe-inspiring visitor.

## AN IMPORTANT DECISION.

A DECISION of much local importance was rendered to-day by the Supreme Court of the Territory. It relates to the jurisdiction of Justices of the Peace, and practically reverses a former decision on the point involved rendered by the same tribunal. The full text will be found in this issue. It will be declared by all who scan it closely and intelligently to be a strong and apparently unassailable ruling, based on numerous precedents, and well-established principles of law.

The first decision, which the one given to-day overturns, was rendered in the notorious Yearian case, having been carried up on appeal to the Supreme Court on the ground that the law under which the Justice of the Peace (Mr. Adam Speirs) acted was invalid. The law in question gives to Justices of the Peace jurisdiction in cases of misdemeanor in which the penalty does not exceed imprisonment for six months and a fine not to exceed \$300. It was claimed by Yearian's counsel, Mr. J. R. McBride, that this scope of jurisdiction was excessive and that the Legislature had no right to confer it. The court decided in accordance with the theory of the appellant, Associate Justices Boreman and Powers concurring and Chief Justice Zane dissenting.

There was a strong belief that the court erred. This impression was so deep in the mind of County Attorney C. C. Richards, of Ogden, that he determined to secure a reversal if hard work could accomplish it.

As shown by the ruling of to-day he, in behalf of the people, appealed from the decision of the First District Court in the battery case in which William Douglass was defendant. He prepared an elaborate brief, in which he cited decisions of the Supreme Court of the United States defining the powers of territorial legislatures. Many of the laws and rulings in other States and Territories were also referred to, proving to a demonstration that instead of the jurisdiction conferred upon Justices of the Peace in Utah being in excess of that given to similar officers elsewhere it was in reality more limited. The court to-day coincided with the theory of the appellant. The Chief Justice had evidently been on that side of the question all along. The concurrence of Judge Henderson does not conflict with the decision rendered by him in the same case in the First District Court, as he was there bound by the existing ruling on the same point rendered by the Territorial Supreme

Court in the Yearian case. From this time on the later decision of to-day will govern the action of the District Courts in similar cases.

The importance of this decision, which is in the interest of sound law and good government, can scarcely be over-estimated. It is a wholesome victory for the right. Since the former ruling was made instances of violation of the liquor laws have been taken directly before grand juries, sitting on which were a number of "whisky men." They took no notice of such cases and the statutes in relation to the liquor traffic were practically nugatory, because largely inoperative. Now, however, that class of cases and others can be reached and dealt with by a direct method that will doubtless have a healthy effect.

Mr. Richards did a good thing for the people in carrying up a case for the purpose of testing the soundness of a decision by which Justices of the Peace were deprived of the jurisdictional scope properly and legislatively conferred upon them. The court is to be congratulated on rendering a decision in which it would be difficult for the most astute lawyer to find a vulnerable spot.

## AGAIN OVERRULED.

Some time ago Commissioner Sparks made a ruling to the effect that a married woman could not make a desert entry. He attempted to support this position by an argument, the substance of which was that the provision of the law which forbade a man to make more than one desert entry, would be nullified by allowing his wife to make one also. Mr. Sparks overlooked the strong and rapid tendency of recent years to abolish the common law relations of husband and wife, which has already gone so far, in all or nearly all the states of the Union, as to entirely separate the wife from her husband in her right to hold and control an estate.

Secretary Lamar, more nearly abreast of the times, has overruled Sparks' decision, and the making of desert entries by married women, that has been for some time suspended, may now be resumed.

In connection with this subject T. C. Bailey, Esq., a land agent of this city, in a communication to the News, states that the late press dispatch published in the newspapers, to the effect that Commissioner Sparks would not allow a desert entry to be made upon land bordering upon rivers, streams, lakes and ponds, or embracing a spring or springs, was not true. There has been no change in the desert law in that respect.

## CHEAP CABLING.

THE bottom must have been reached at last in the matter of commercial cable rates from the United States to Europe. At the beginning the rate was five dollars here and one pound in England per word for a message across the Atlantic; in this charge, all the letters, including the date, address and signature, were counted and divided by five, the quotient representing so many words. This was so excessively high as to be practically beyond the reach of people in ordinary circumstances and was only submitted to by the wealthiest on very important occasions. The weight of the enormity brought it down a little, but opposition did more than anything else, and finally with the completion of the Bennett-Mackay cable, the tolls have been so reasonable that no complaints have been made so far as heard. Yesterday came the announcement that the rate has been brought down by that company to twelve cents per word for messages to the United Kingdom and France and 15 cents to Germany. This is so much too cheap that it cannot last long; competition which merely cuts out profits from an opponent also injures the cutter, and eventually they will compromise on a paying basis.

## ESTATES OF DECEDENTS.

"A SUBSCRIBER" writing from Leeds, Utah, propounds the following questions relative to the estates of decedents:

1. If a man dies without making a will and his heirs can agree among themselves as to the division of the property, does the law compel them to bring the matter before the court?
2. If a man dies without issue and intestate, leaving his wife in possession of his property, is it necessary to ask for the action of the court unless some other claimant appears?

In view of the aversion which most of the people have for litigation of any kind, and their strong inclination in favor of adjusting legal matters without recourse to the courts, both of which sentiments are creditable, the above questions become important. Not infrequently such queries are discussed by persons having a share in or a connection with the estates of decedents, and a statement of some of the principles of law underlying such matters will be useful information. In answer to the first question it may

be said that, if there are no debts against the estate, and the heirs of an intestate decedent are all of age and competent to dispose of their own rights, they may settle the estate among themselves without recourse to any court. The procedure would be for them to agree upon the terms and particulars of the settlement, and then exchange receipts, etc. If there is real estate to be disposed of, the heirs give quit claim deeds to the person who is to possess it. If, however, there be debts due from the estate, or if there are minor heirs, or other inheritors who, from any cause, are incompetent to dispose of their claims against the estate, the latter cannot be lawfully settled up except by the procedure in the courts which is prescribed by law. The theory of the law is that the Probate Court has charge and control of the estates of decedents, subject to appeal to the District Court. A settlement of an estate by the heirs themselves is valid rather for the reason that there are no other parties in interest to disturb or question such a settlement, than because the law provides for or contemplates it. Quit claim titles are regarded with more or less distrust, at least until seven years' adverse possession has confirmed them. Purchasers of real estate are generally suspicious of any irregularity in the title, and if the property has any considerable value, it is better to have the title conveyed in accordance with the order of a competent court.

The second question is answered by reference to the statute regulating succession. See statutes of 1884, page 73. The only case in which a wife could retain possession of the entire estate of her deceased husband would be when he died leaving neither issue, father, mother, brother nor sister. Even in such a case, she would hold it for the reason that there existed no other party in interest to disturb her, rather than because she had acquired possession by due process. Were she to undertake to sell real estate belonging to the estate, the purchaser would find a break in the title, if he undertook to trace it, and it would be a question whether or not he would be satisfied with such a one as she could give.

Where an estate is of trifling value there may be an object in settling it in the simplest and cheapest manner possible. But ordinarily it is better to settle the estates of decedents in the manner prescribed by law, as the expense so incurred would often save troublesome and costly litigation. This is especially true when real estate is left by an intestate decedent.

## [COMMUNICATED.] GOOD FOR EVIL.

THE Latter-day Saints, much as they have reason to feel the un-Christian spirit of many churches and many bodies of Christians, must not make the mistake of supposing that this spirit animates all the Christian sects. There are many members of the various churches which acknowledge the name of Christ, who have no sympathy with the spirit of persecution. Among them, Canon Farrar, of the Church of England, is a most shining example. In his "Early Days of Christianity," a work of vast learning, in one of his chapters on St. John, he is speaking of that incident in the life of Jesus when He and His followers were on the journey from Galilee to Jerusalem, and were refused admission into a village, contrary to all the rules of eastern hospitality. Some of the disciples, indignant beyond human endurance, and remembering how Elijah had in this very country revenged a much smaller wrong by calling down fire from heaven, said: "Lord, wilt thou we should bid fire to descend from heaven and consume them, as even Elijah did?" Canon Farrar's comment on the gentle rebuke which Jesus gave to this prompting of revenge is worthy to be proclaimed by all who would return evil for evil. "Yet," he says, "even in expressing the wish, they (the disciples James and John) feel a little touch of shame. Is not such conduct vindictive and impatient? Well, at least, their excuse is ready—as Elijah did. They can shelter themselves behind a great name. For their earthly wrath they can adduce a Scripture precedent. They have a text ready to consecrate their personal resentment. Alas! had it been in their power to make the heaven blaze they would but have furnished another instance of the crimes which have been committed or excused in the name of Scripture. What is it that we learn from remorseless persecutions, bitter hatreds between those who bear the common name of Christians—from the atrocities of the Inquisition, from savage crusades, from brutal witch-murders, from the fires of Smithfield and Toledo, from the condonation and even the approval of mere assassins, from sermons preached amid the agonies of martyrs, from the slanders and calumnies weekly used to write down imaginary opponents by those who think that in their hideous fanaticism they are doing God service? What do we learn from these most miserable and blood-stained pages of ecclesiastical controversy, but that

In religion, What damned error but some sober brow will bless it, and approve it with a text, Hiding the grossness with fair ornament."

But the lesson of all Scripture is that, though the Elijah times may require the Elijah spirit, yet the Elijah times have passed forever, and that the vengeful spirit is not the Christ spirit."

We do not doubt that among Latter-day Saints there may be some James' and Johns, who have felt prompted to invoke fire from heaven to consume their enemies. But let them take comfort from these noble words of the great English clergyman and scholar, who could not only denounce the spirit of persecution, but could teach those who suffer how to bear.

## STATEHOOD DISCUSSED.

The Views of a Profound Lawyer and Eminent Publicist.

The Trifling Objections of those who do not Take the Trouble to Investigate.

WHY THE PRESENT TERRITORIAL GOVERNMENT IS UNREPUBLICAN, AND WHY IT OUGHT TO BE CHANGED.

RICHFIELD SPRINGS, N. Y., August 28th, 1887.

To the Editor of the Deseret News:

Sir,—I concur in every word of your admirable reply to the Chicago Times on the question whether Utah now has a republican form of government, which I had the pleasure of reading in your paper of the 22d inst. Perhaps I can supplement what you have said by explaining that while it is true that every Territory is under the government of Congress so long as it is a Territory, and that the Federal Government is a republican form of Government, yet it is not in accordance with the trust which the Constitution of the United States devolved on Congress, for the Federal Government in any case to prolong indefinitely the Territorial condition. The subject of the relations of the Territories to the Federal Government is

NOT NEW TO ME.

I had occasion to investigate it thirty years ago, when I took part in the last argument in the Dred Scott case before the Supreme Court of the United States. From that day to this I have always understood that the purpose with which the Federal Constitution conferred on Congress the power to create Territorial governments in any region of country belonging to the United States, however acquired, as well as to manage and dispose of the public lands, was to form such communities into States and admit them into the Union; and that this power was not bestowed as a means of indefinitely prolonging the Territorial condition, and keeping open a field for Federal patronage and power. I do not suppose that at the present day there can be found any where in this country a well informed constitutional lawyer, who does not regard Congress as clothed with

## A TRUST

to bring every Territory into the Union as a State as soon as its inhabitants desire it, and they have the requisite numbers and resources to sustain a State government of the republican form. What shall be considered a sufficient population has varied in different cases; but in the case of Utah there cannot be the slightest question of a sufficiency of population or resources. There is no dependency of the United States that has a larger population than Utah excepting the District of Columbia.

What then is the obstacle, or the pretended obstacle to your admission into the Union as a State?

## IT IS POLYGAMY.

of government, which no Territory has or can have in the proper sense of that description; for as you very justly say Territorial government is not self-government by the people of any Territory that the United States possesses.

There is a very great amount of popular prejudice and ignorance prevailing through the country, against which you have to contend. I am often amazed to see how everything relating to the religious beliefs and practices of the Mormons is misrepresented in journals that ought to know better. But the public mind is becoming

## SLOWLY ENLIGHTENED

on this subject, and by the assembling of the next Congress I hope to see the way smoothed for those public men who will have to act on this question of your admission, by enabling their constituents to view that question as they ought. Let not your people be discouraged; and I pray you, Mr. Editor, to continue to combat error and sophistry in the forcible, spirited and dignified way in which you have hitherto encountered them.

With the best wishes for the prosperity and happiness of all your people, Mormons and Gentiles alike, I am, yours sincerely,

GEO. THOMAS CURTIS.

P. P. Shelby, for many years connected with the freight department of the Union Pacific, part of the time as its head, retires from the company's service now to take charge of the coal business at Rock Springs, an undertaking of no little responsibility.—*Laramie Boomerang, Sept. 1.*

## PRIESTHOOD MEETING.

The regular monthly meeting of the Priesthood of the Salt Lake Stake of Zion convened in the Assembly Hall at 11 a. m. to-day—Saturday, September 3, 1887. President A. M. Cannon presiding. There was the usual good attendance. All the wards of the Stake were properly represented excepting the Fifth Ward of the city and the Farmers and Brighton wards. The usual business having been dispatched

BISHOP ISHMAEL PHILLIPS

was called to address the meeting. He had lately emerged from the Penitentiary, where he had been a prisoner for conscience sake. He had spent many a six months in his life more unpleasantly than his term in prison. He had not lost his faith in the Gospel and was not troubled in mind. He had lost some hair, and gained some flesh, and so came out about even. He had made many acquaintances in the "house on the hill," and some were very good men. The heartiest greetings he had received since his release were from brethren who had also been to the Penitentiary for the sake of their religion. It was a valuable experience, and had heard brethren say they would not take a thousand dollars for the education it had given them. He was as staunch a "Mormon" as ever; he knew nothing if not "Mormonism." He had made no other calculation than that the Saints would be troubled until Satan was bound. He did not know what was coming next, and he did not care much. He did not think he had been persecuted very much in his life; he had been pelted with rocks and called bad names very often and had been to prison for his religion, but that was very light persecution, he considered. He said the most important thing to think of was whether we valued the things of earth more than the things of heaven; whether we were lovers of pleasure more than lovers of God. The care and salvation of the young was to him a great question. He did not favor harsh measures where mild ones would answer, in dealing with the youth. He would not cut them off the Church until he had used every means to save and redeem. We cannot afford to make enemies where it is possible to make friends and retain them by righteous means. There were six Bishops in the Penitentiary when he was there; they had had a rest, and now they were out and would have to go to work again, for there was plenty to do. He favored calling the young boys into the work early, and training them to attend their duties while young, for we need their help, the help of all good men by precept, work and example.

ELDER H. F. F. THORUP

endorsed the remarks of the previous speaker. He, too, had been to the penitentiary, and had been well treated; he had no complaints to make on that score. His testimony was as strong as ever in the Gospel; he was willing, not only to go to prison, but to die for it if necessary. He exhorted all to be faithful and awake to the great responsibilities resting upon them. It mattered not what we passed through if we endured faithful to the end.

ELDER A. W. WINBERG

said he had also spent six months in the penitentiary, for a cause he was not ashamed of. He had had peace of mind, had obeyed the rules of the prison, and spent the time to the best possible advantage. He greatly enjoyed reading the Book of Mormon and other good works during his confinement, and never was so interested in them before. He sometimes shed tears when he saw other brethren brought in as "fresh fish," or when he saw them depressed in spirits, but he did not weep for himself. The Holy Ghost rested upon him and his heart was comforted. Let us feel for our brethren in prison; send them little comforts which they prize more for the good feeling they represent than for their actual value. The families of those in prison should be looked after and fed and clothed and provided for. He thanked the Lord for his standing among His people, whom he knew were the best people on the earth, and he hoped to have strength according to his day, and be faithful in all things. If every man in Israel magnified his calling in the Priesthood things would be very different with us to-day.

PRESIDENT A. M. CANNON

said it was a good sign when brethren sympathized with the sufferings of others. He asked the Bishops to visit the families of those who were in prison, or on missions, or in the spirit world, and instruct the teachers to do likewise and take special care of such families. The glorious work of God was rolling on. Not only those who went to prison were heroic in their conduct; those who resisted temptation and maintained their integrity in the midst of everyday trials and sustained the work of God and served Him, were doing just as much to roll on the work. To stand and meet the bullets of the assassin and fall as martyrs, was noble and heroic, but that ordeal, though acute and severe, was quickly over; while with those who humbly plodded along the paths of duty, resisting temptation and serving God in every act of their lives, the ordeal was long and enduring; the heroism of such Saints should not be overlooked nor ignored. The speaker invoked the blessing of the Lord upon His servants and their labors.

The meeting was adjourned till the first Saturday in October.