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THE EASTERN QUESTION.

Now that the eastern question is in a fair way to be re-opened, and to be the cause of more bloody struggles between the leading nations, public interest is naturally directed towards it. While it is occasionally in almost everybody's mouth, its nature is not quite clear in everybody's head. The causes of Russia being the invariable aggressor each time it is opened, is, however, generally comprehended.

Peter the Great, the practical founder of the Russian Empire, and whose reign ended in 1725, left it as a mission to his successors to conquer, or obtain by conquest, Constantinople and make it the headquarters of the Greek Church. That city was the head centre of that church before the Turks invaded Europe.

But the object of Russia is not simply a religious one, that only being incidental to the question. One of the ideas of Peter the Great, with a view to Russian aggrandizement, was for Russia to gain possession of India. This was also an ingredient of the mission he left to be prosecuted by his successors. Those two points gained, the East Indies and the control of the Bosphorus, on which Constantinople is built, would make the Russian Empire mistress of the world.

The Muscovite Empire is a great military power, but to make her aggressive facilities complete she must become a naval power as well. The possession of the points leading out of the Black Sea and Sea of Marmora—the Bosphorus and Dardanelles—into the Mæan Sea, would give her facilities for soon putting a navy upon those waters that would rival that of any other power and give her command of the eastern Mediterranean.

This would be next door to a death blow to England, as Russia could then, in the event of war, shut off communication of the former country with her eastern Empire in India by the nearest route—the Suez Canal. The immense resultant disadvantage to England can be seen at a glance, as her access to India would then be solely by the old lengthy and dangerous route around the African Coast, via the Cape of Good Hope. In the meantime Russia could be rushing her armies into India overland by way of Afghanistan, situated on the northwest frontier of the British eastern possessions. This explains why Great Britain has ever been solicitous to uphold the dominion of Turkey as a neutral power.

From this view of the eastern question it will be readily seen why Russia, every time it opens the subject, does it by warlike demonstrations toward two points. The one is Constantinople in Turkey and the other the western frontier of India. She is edging in both directions now, and we are inclined to the belief that the Russian threat against Austria, by massing large bodies of troops on the Bosnian frontier is merely a feint, the brunt of the warlike intent being against British interests.

The Muscovite is anxious to invest the Balkans, a range of mountains which runs along the southern frontier of Bulgaria and consequently also along the northern border of Turkey. Passage through this range is only practicable by a few narrow gorges which could be held by a comparatively small body of troops against a formidable army. These mountains would thus form a military base that would be almost unsurpassed and practically impregnable. From this strategic location, an immense force could be precipitated upon Turkey at a moment's notice and reach and possess Constantinople before any of the great powers interested could interpose.

A careful scrutiny of the present aspect of the eastern question leads to the conclusion that notwithstanding the apprehensions expressed by Germany and Austria in relation to Russian movements, it is really Great Britain's interests that are the most directly menaced. We do not anticipate an attempt on the part of the Czar to seize Bosnia, which would cause him to be confronted by Austria and Germany in warlike array. Austria has been in possession of Bosnia since 1878, and will probably, for the present at least, be allowed to retain it so far as Russia is concerned. The latter is more likely to move toward the Balkans on the southern frontier of Bulgaria, and that movement would be a *casus belli* against England, being a direct demonstration against Constantinople.

Considerable strength is given to this view by the expressed intention on the part of Russia, at the same time, to take possession of Herat, an important stronghold of West Afghanistan, and which has been called the

"Gate to India," a pretext for that military movement having been formulated, as related in the dispatches a few days since. This inference is also supported by the late immense activity in naval and military circles in Great Britain, which nation is likely to occupy a foremost place in a struggle which has every appearance of being imminent.

NOT A CONSISTENT MIXTURE.

BEFORE us is the business card of a real estate firm in this city. It is in the form of a folder. On one page of the exterior is the advertisement of the firm, notifying the public that its members are "real estate, loan and rental agents;" on the other are two diagrams of city blocks. In the interior are the "Articles of Faith of the Church of Jesus Christ of Latter-day Saints," over the name of Joseph Smith.

It may be claimed by those who have resorted to this method of advertising, that in introducing the religious matter of the folder, they are actuated by religious devotion, pure and undiluted, and have taken this unique method of spreading a knowledge of the Gospel. Whether that be the case or not, we seriously question the advisability and propriety of the step. However, it is presumable that most people will reason after this fashion: These gentlemen have entered upon the business in which they have engaged for the ordinary and, it might be said, universal object—the making of money. The spread of religious doctrine could not have been the primary aim. Then is not religion introduced as an auxiliary to aid in the attainment of the original purpose? The idea embodied in this interrogation is strengthened by the fact that the overwhelming majority of the owners of realty in this city are Latter-day Saints.

Suppose a clergyman of one of the sectarian denominations should become a real estate agent and advertise in connection with his business, in the same card or column, the articles of his religious creed, is it supposable that he would be credited with the magnanimous and philanthropic motive to benefit his fellowbeings by publishing what he esteemed to be the basis of the way to be saved? Hardly.

There is such a thing as placing religion below par instead of sustaining it in the high and exalted sphere to which it legitimately belongs. When it is thus degraded or misused, whether intentionally or otherwise, it is to us a matter of regret. When an impression is created, whether correctly or otherwise, that it is being used for an ulterior purpose, such as the furthering of the ends of purely individual secular business, religion is in that way brought into contempt.

While a religious professor should be governed in his everyday business by the principles of his religion, in some of their aspects the two elements cannot be properly mixed, and in that regard we are in the position of the man who sent two dishes to his dairy man, requesting him to keep the milk apart from the water. There are certain kinds of amalgamation that we never did take kindly to, and in that regard we have no expectation of ever undergoing a change of heart.

THE LATEST WAR INDICATION.

THE latest war movement on the part of Russia is very significant. Three of the great railroad lines of the empire have each been ordered to have on hand at convenient points, 600,000 tons of coal, aggregating 1,800,000 tons. The object of this is doubtless to be in a situation to transport immense bodies of troops in a given direction at short notice.

From the character of the preparatory indications it appears as if a declaration of war or a demonstration that will lead to it, is nearer than generally anticipated.

As we expressed yesterday, we believe that the Russian menace is more in the direction of England than any other power. Neither Germany nor Italy has a direct interest in the Eastern question, while that of Austria is not anything like as extensive as that of Great Britain. The European war cloud blackens.

A dispatch today states that Krupp, the celebrated gun inventor and manufacturer has, in order to meet the pressing demand, increased his facilities for the production of implements of war. He has established two new factories. This looks like business.

REGISTRATION.

REGISTRATION is now in progress for the ensuing August election. The members of the People's Party should fully awake to the urgency of the situation. Those who registered for the last city election are required to register again, or they will not be eligible to vote in August. All that class of electors should see that their names are placed on the list without delay.

Then there are those who were not eligible for registration previous to the last city election, but have become qualified electors since, by reaching the proper age, and otherwise. Those new electors should see that their names are placed upon the lists, that they may be in a position to cast their

ballots for men who are worthy the support of the people when the proper time comes. Delays are dangerous. There is no time to lose.

FISHING IN THE JORDAN.

We have been requested to reply to the following inquiries:

Editor Deseret News:

Several fishing parties have been driven away from the banks of the Jordan while engaged in angling, by persons owning land contiguous to the stream. I would like to ask whether such land proprietors had the legal right to act as they did. Is not the stream public property? and if so, of what use would it be to the public providing the contiguous land were all occupied and owned, if the landowners have the right to keep the public away from the river? Would it not give the proprietors of the land the sole use of the stream for fishing purposes? Will you kindly inform me and the dear public what are the rights of the latter in the premises?

In order to give a comprehensive answer to our correspondent, it will be necessary to state the general principles of the common law which relate to this subject, as by those principles the matter must be determined. There are no statutory provisions, either congressional or territorial, governing it. In England, watercourses are technically divided into two classes, navigable and unnavigable. A river is navigable only when its waters rise and fall with the tide, and no farther up its course than the point at which its waters cease to be affected by the tide. All streams which do not flow directly into tide water are unnavigable. England being a comparatively small island, has no long rivers, and all the streams on the island soon find their way into the ocean. The limit of tide water thus became a natural, convenient and just line for separating the rights of the general public from those of private parties, and for ages the law has provided that the general public has a right to the use, as a highway, or fishing grounds, of all watercourses affected by the tide, and as far up their channels as they are so affected. The owners of the soil along the banks have no private rights beyond the actual margin of the water.

Where a watercourse is not affected by the tide, it is private property. If it be practically navigable for the purposes of commerce, the public has an easement to use its waters as a highway, but this is the only use the public may make of it.

The owners of the soil along the banks of any unnavigable watercourse, i. e., one not affected by the tide, also own the soil under the stream, from each side to its centre. The rule of the common law is thus expressed in "Angell on Watercourses," chapter 1:

"When the land on one side of a stream is owned by one person, and the land on the opposite side by another, each owns to the middle, or what is called the thread of the stream."

In the chapter of the same work relative to fishing, the following rule is laid down:

"The riparian proprietor, and he alone is authorized to take fish from any part of the stream included in his territorial limits."

Such is the common law of England, and it has prevailed in this country ever since the earliest colonial times. The Jordan is a meandered river; that is, it is made by authority of law, a boundary to the legal subdivisions of land on its banks, and those subdivisions were so platted before patents for them issued to settlers. "Angell on Watercourses" (Sec. 11) says:

"A watercourse is considered the safest boundary of real estate, as it is a natural boundary, and the invariable construction in this country has been, as it has been for centuries in England, that, whenever land or a mill site is sold and conveyed as being bounded by a watercourse, the water course, *usque ad flum aquæ* [i. e. the bed to the centre of the stream] is included."

The same authority says, (sec. 14):

"Grants by the Government of the United States are construed by the common law rule."

This assertion is in part confirmed by the following section of the Revised Statutes of the United States:

"Sec. 2476. All navigable rivers within the Territory occupied by the public lands, shall remain and be deemed public highways; and in all cases where the opposite banks of any streams not navigable belong to different persons, the stream and the bed thereof shall become common to both."

This statutory provision embodies the common law rule, but modifies it by making opposite land owners proprietors in common of the bed of the stream, instead of each owning to the centre. The modification, however, applies only to lands disposed of since the enactment of the provision, (1796) which lie in the more recently settled portions of the Union. In respect to fishing, the only effect of this modification would be to give the owners of the banks a right to fish anywhere in the stream opposite their land without regard to its centre, the

whole breadth of the stream being common fishing ground as between the owners of its banks.

In Massachusetts riparian owners only have the right to fish in the stream adjoining their lands. After some leading and ably argued cases in New York state, the same rule has been established. In the Connecticut River, above tide water, riparian owners only may catch fish, though the public has an easement to use the stream as a highway for all kinds of craft. In Illinois the courts have held that the owners of land in that state bounded by the Mississippi River, own to the centre of the stream. In Indiana, in respect to the Ohio River, the courts have held that land owners own that portion of the river bed lying between high and low water marks only, and in Pennsylvania the courts have held that the public may fish in certain large rivers in the state, whose waters are not affected by the tide.

"Angell on Watercourses," in treating of what rivers the public has a right to use, cites cases and principles which lead to the conclusion that a stream large enough to admit of navigation for practical, useful or commercial purposes, may be so used by the public, but says:

"They are called public rivers, not in reference to the property of the river, for that is in the individuals who own the land, but in reference only to public use."

The Jordan is a stream capable of being navigated, and hence, under the common law rule, and under the express provisions of section 2476 of the United States Revised Statutes, the public may use it as a highway. But the public have no right to enter upon, or make any use whatever of the land along the stream owned by private parties; and the overwhelming weight of authority is in favor of the proposition that the public have no right to catch fish in those portions of the stream which lie between tracts of land owned by private parties. The public may, however, fish in the stream at places where the land on either side of it is still public domain. Private ownership of one bank would not bar the public from fishing opposite it, if the other bank still belonged to the Government; and the entire width of the stream would be the common property of the person who owned one bank, and of the United States, or the public, owning the other.

The fact that public funds have been expended in stocking the Jordan with imported fish, does not give the public the right to enter upon or make any use of its banks, which are owned by private parties; and by parity of reasoning, the public would not, even to catch fish originally paid for by public money, have the right to fish in portions of the stream lying between banks owned by private parties. A Massachusetts decision lays down the doctrine that the fish are owned by the owners of the bed of the stream.

We have dealt solely with the legal aspects of the matter presented by our correspondent, and have refrained from commenting upon any moral phase it may have.

MR. BLAINE'S POSITION.

MR. Blaine's letter declining to be a candidate, which he addressed to Chairman Jones of the Republican National Committee, before the canvass opened, is now being set down as a shrewd strategem. It is beginning to be widely believed that Blaine wrote the letter, and remained in Europe, in order to carry out a scheme by which to secure the Republican nomination. And the scheme promises to be successful. Mr. Blaine's seeming withdrawal led all of his rivals to betray their strength and fully commit themselves. The result is a demonstration of the fact that not one of them has a national following, while Blaine has. So clearly has this been shown to be the case, and so clearly does it appear that Blaine is the strongest living Republican, that the time has come for him to drop the mask and work for the nomination without pretense of indifference. The following from the Philadelphia Times, an independent journal, sustains this view:

"Whitelaw Reid, Wm. Walter Phelps, Chairman Jones, Congressman Miliken, Charles Emory Smith, and all who are in the confidence of Blaine's friends, know that, as at present advised, Blaine will accept the nomination if it shall be tendered to him; they mean to have it tendered to him; Blaine knows that they mean to nominate him, and he and they are in entire accord in the conviction that he should not and will not decline the call of his party to lead in another national contest. He has not said so in formal letter, nor will he do so, nor is it at all necessary that he should do so; but the leading friends of Blaine have gained their great point in overruling Blaine's declination, and they are now pressing his candidacy with the full knowledge of his purpose to accept the nomination. It is only natural that Blaine's friends should do as they have done; it is only natural that Blaine should assent to the movement when, in Vermont and Massachusetts, his enemies were made to call for his nomination, and there is now nothing left for the Blaine commanders but to unmask their guns and lines and pass the order along for a general advance. They have the field

in their possession, and only cowardice or stupidity can defeat them at Chicago. Stop halting, conceding, and silly avoidance and unfurl the banner for victory at Chicago."

NOT A COURT.

THE other day we published a statement to the effect that Marshal Dyer Receiver in the suit of the Government against the Caurca, paid a visit to Logan, accompanied by Mr. Parley L. Williams, one of his attorneys, and a stenographer. The object of the visit was to obtain information regarding property which Mr. Dyer is endeavoring to obtain possession of his official capacity.

In case there may be an erroneous impression in the minds of some of our people in reference to these proceedings, we would state that the Receiver, his attorney and stenographer, it was necessary to give a brief explanation. Although the trio of gentlemen may have some of the appearance of "a court on wheels," on account of being in a sort of organized shape, and having recourse to a species of organization, they are not a court. The body which recently visited the county of Cache is in no sense a judicial one and people are questioned by it, for the purpose of obtaining information from them, and in order that their replies may be jotted down by the stenographer, are not, as we understand, bound by any law of the United States or elsewhere to answer interrogatories from that source.

The proceedings of the suit in question have been before Examiner Sprague, a kind of judicial go-as-you-please case. But outside the presence of the examiner, or that of a regular court of law, is the end of the track.

In case it may be intended to the triumvirate inquisitorial organization a permanent institution, we deemed it proper to intimate to the people that they have some few rights in the premises which they may properly reserve and exercise.

WAGON ROADS.

A CORRESPONDENT writes us describing the manner in which a tract of land belonging to him is cut by wagon roads, several of which cut it, some of them being close to and nearly or quite parallel. He states that there are two sand and a great deal of rock on his land, and that the public have been in the habit of helping themselves to the land without his permission. He asks:

"Can roads be established every 50 rods, through a man's land? so, must he lose all that land?"

"Can I forbid people from going over my land? Can I forbid them to cross a road if there are other roads within 200 rods of it? If a neighbor lives a mile or two above me, and if there is another road leading to his place, can he compel me to give him a right of way over my land?"

If the several roads crossing our correspondent's land are all necessary for the convenience of the public, and if they have been dedicated to public use long enough to make them highways (five years), they cannot legally be closed by the owner of the land. But if they are parallel roads, and some of them could be closed without depriving the public of a necessary right of way facilities, they may be done. A specific statement of just what the owner of the land in such a case has the right to do, we cannot safely be made without a specific and detailed knowledge of the circumstances; but in a case like that of our correspondent, we would recommend the owner of the land to petition the county court to cause to be made and properly designated such roads as the public need and are entitled to use. After such action by the county court the owner of the land could, in our opinion, fence across all other roads crossing his land, with the assurance that the court would sustain his action. It is a principle of common sense, and hence of good law, that a settler's land ought not to be cut up and occupied by roads which the public do not actually need.

A settler can, by proper legal proceedings, be compelled to surrender his right of way across his land, if the right of way is necessary to the convenience of the general public. But he must be paid a fair price for the land occupied by such right of way. He cannot, however, be compelled to surrender, at any price that may be offered him, a right of way designed for the benefit of private parties only. He may sell the latter a right of way or not, as he chooses, and at such price as may be agreed upon.

It would seem scarcely necessary to say that the rock, sand, etc., on a man's land is his private property, and to be appropriated by others without his consent.

THE Nevada Silver State of the 1880s says that Sam Martin met with a fatal accident at Carpenter's ranch in Lake Valley, Lincoln County, last Wednesday. He mounted a horse that had not been handled since last fall. The animal bucked, and with its rider leaped forward. The horn of the saddle penetrated Martin's bowels, and he died a few moments afterward of his injuries.