UTAH SOUTHERN RAILROAD

On and after Feb. 25, 1875.

Going South.

Name of Station.	No. 1. Passenger.	No. 3. Freight.	No. 5. Freight.	Fare.
Trains leave	A.M.	A.M.	P.M.	
Salt Lake	7 00	6 10	1 20	....
Little Cottonwood	7 29	6 55	2 15	50
Junction	7 43	7 20	2 50	75
Arrive at Sandy	7 52	7 40	3 00	1 00
Leave	mxd			
Sandy	8 03			....
Draper	8 18			1 25
Lehi	9 03			1 75
American Fork	9 20			1 60
Pleasant Grove	9 32			2 00
Provo	10 15			2 50
Springville	10 35			2 75
Spanish Fork	10 51			3 00
Payson	11 23			3 50
Santaquin	11 43			4 00
Arrive at Terminus	M. 12 00			4 00

Going North.

Name of Station.	No. 2. Passenger.	No. 4. Passenger.	No. 6. Freight.	Fare.
Trains leave	P. M.	A. M.	P. M.	
Terminus	12 20			....
Santaquin	12 57			25
Payson	1 17			50
Spanish Fork	1 49			1 00
Springville	2 05			1 25
Provo	2 28			1 50
Pleasant Grove	3 00			2 00
American Fork	3 20			2 10
Lehi	3 32			2 25
Draper	4 22			2 75
Arrive at Sandy	4 37			....
Leave				
Sandy	4 47	9 00	5 00	3 00
Junction	4 51	9 10	5 10	3 25
Little Cottonw'd	5 11	9 40	5 40	3 50
Arrive at Salt Lake	5 40	10 30	6 15	4 00

Nos. 1 and 2 will be run daily.

Nos. 3, 4, 5 and 6 will be run daily, Sundays excepted.

☞ For all information concerning Freight or Passage, apply to

F. LITTLE,
General Superintendent.

JAMES SHARP,
General Freight and Ticket Agent.

UTAH NORTHERN RAILROAD.

ON AND AFTER

OCTOBER 13th, 1875,

Trains will run Daily as follows:

NORTHWARD.

	No. 1.
Leave Ogden	9:30 a. m.
" Corinne	11:50 "
" Logan	3:20 p. m.
Arrive at Franklin	4:45 "

SOUTHWARD.

	No. 2.
Leave Franklin	9:00 a. m.
" Logan	10:45 "
" Corinne	2:10 p. m.
Arrive at Ogden	4:30 "

Gilmer & Salisbury's Stage Line to and from Montana connects with trains at Franklin.

M. W. MERRILL, Supt.

CHAS. NIBLEY,
Gen. Freight & Ticket Agt. d289

UTAH WESTERN RAILWAY

CHANGE OF TIME.

ON AND AFTER

FRIDAY, Oct. 1st, 1875,

THE UTAH WESTERN RAILWAY COMPANY will run trains for Passengers and Freight as follows:

Leave Salt Lake City at 8:30 a. m.
Arrive at Half-way House at 10:30 a. m.
Leave Half-way House at 12:40 p. m.
(Stopping at Lake Point for Dinner),
Arriving at Salt Lake City at 3 p. m.

On Wednesdays and Sundays,

Only, the Company will issue Excursion Tickets to Lake Point and Return at a reduced rate.

Special rates given to Excursion Parties upon application to to W. THATCHER, General Passenger Agent.

For any information concerning freight, apply to J. N. PIKE, Gen'l Freight Agent.
H. P. KIMBALL, Gen'l Supt.

UTAH CENTRAL RAILROAD.

PIONEER LINE OF UTAH.

On and after June 20th 1875.

Name of Station.	No. 1. Pass'r.	No. 3. Pass'r.	Fare.
Trains leave Salt Lake.	7 00 AM	3 40 PM	
*Wood's Cross.	7 25 "	4 08 "	.50
Centreville	7 33 "	4 16 "	.75
Farmington.	7 50 "	4 33 "	1.00
Kaysville.	8 12 "	4 52 "	1.25
Arrive at Ogden.	9 00 "	5 40 "	2.00

Name of Station.	No. 2. Pass'r.	No. 4. Pass'r.	Fare.
Trains leave Ogden	9 40 AM	6 20 PM	
Kaysville.	10 31 "	7 10 "	1.00
Farmington	10 52 "	7 31 "	1.25
Centreville	11 04 "	7 44 "	1.50
*Wood's Cross.	11 13 "	7 53 "	1.75
Arrive at Salt Lake.	11 40 "	8 20 "	2.00

*Passing Places.

MIXED TRAINS

WILL RUN DAILY,

(Sundays Excepted.)

Leaving Salt Lake City at 8:40 a. m. and 5:05 p.m.; and Ogden at 8 a.m and 3:30 p.m.

☞ For all information concerning Freight or Passage, apply to

JAS. SHARP,
Gen. Freight and Ticket Agent.
JOHN SHARP,
SUPERINTENDENT.

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Private and Plunge.

THESE CELEBRATED BATHS ARE open to the public at reduced rates. Their medicinal properties are so widely known that it is needless to enumerate them.

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d204 1y

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SECOND SOUTH STREET,

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The Business will be carried on in All its Branches, and none but Competent Men employed. d316

Z. C. M. I.

We will pay the HIGHEST MARKET PRICE for PEELED and UNPEELED PEACHES, APRICOTS, and PLUMS, and, on being notified, will call at the owner's residence and receive them.

IN ORDER TO MAKE ROOM FOR FALL SHIPMENTS we are offering the Largest Stock of General Merchandise ever brought west of Chicago at very close margins, comprising in part—

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H. B. CLAWSON,
Superintendent.

Wanted, in any quantity, large or small, WHEAT, OATS, BARLEY, CORN, EGGS, HIDES and WOOL, for which the HIGHEST MARKET PRICE WILL BE PAID.

EVENING NEWS.

Saturday, December 4, 1875.

PRATT VS. YOUNG.

Decision of Chief Justice White, delivered in the Third District Court, Salt Lake City, Nov. 26th, 1875.

(CONCLUDED.)

Those in possession of the land when the entry is made by the probate judge, are the persons for whom the land is held, in trust, and to whom he is to make the deeds. * * This is the construction and meaning of the act of Congress—Copeld *vs.* McClelland, 16th Wallace, 334. The act of Congress of May 23d, 1844, referred to in the citation just made, uses the same phraseology in reference to this subject matter as the act of Congress of March 2d, 1867, under which the parties in this case claim.

That this is the reasonable and just construction of the act of Congress and that the presumption is in favor of the actual occupant at the time of entry of a lot or parcel of ground within the limits of a city or town site, settled and occupied as such upon public lands and entered under authority of the act of Congress March 2, 1867, above referred to, is, in the opinion of the court, sustained by reason and authority; but out of this springs another question of general interest and necessary to the adjudication of this case, and that is whether the occupancy at the time of entry is conclusive in favor of the right of the individual occupying, to the title to the land, or whether it is only presumptive, and if so, whether the circumstances in this case repel the presumption in favor of the actual occupant at the time of the entry of the land by the trustee, and show the right to the land in controversy to be in another. The act of congress of March 2, 1867, confers upon the state of territorial legislature the execution of the trust "as to the disposal of the lots in such town," etc., "under such rules and regulations as may be prescribed," etc. This must be done according to the respective interests of the occupants. Does this language "respective interests" apply to the topographical area and measurement of the lots occupied or is it to be considered in a larger sense as embracing the nature of the occupancy and the quality of interest in the land which the occupant claims as well. The legislature has construed this language in the larger and more comprehensive sense: by section 3 of the act of the legislature of Utah, entitled "An act prescribing rules and regulations for the execution of the trust arising under the act of Congress of March 2, 1867," it is enacted "that each and every person, or association, or company of persons, or corporation claiming to be the rightful owner of possession, occupant or occupants, or to be entitled to the occupancy or possession of such lands, or to any lot, block, share or parcel thereof, shall, within six months," &c., &c., sign a statement in writing, &c.

These are the persons and these the interests which the legislature regarded as entitled to claim and assert titles to lots or parcels of land in any city or town in the territory under this act of Congress. It is manifest that it was the design of the legislature to extend the benefits of the act of Congress to two classes of persons, actual occupants and the rightful claimants or owners of possession—without the occupancy or possession.

This legislation in the opinion of the court was in harmony with the act of Congress, and within the authority conferred by the act of Congress upon the territorial legislature, and the construction given by the the legislature to the act of Congress in this particular is adopted by the court.

The findings of the law by the court in the case under consideration are as follows:

First—That under the several acts of Congress upon the subject and especially the act of the 23d of May 1844, entitled "An act for the relief of citizens of towns upon the public lands of the United States under certain circumstances," and the act of March 2, 1867, entitled "An act for the relief of the inhabitants of cities and towns upon the public lands," that the right which the individual inhabitant of the city or town took was a possession of the land and a right to possession and the use with the right as a member of the community to have land entered by the trustee indicated in said acts of Congress, at the minimum price in the proper land office of the United States, and the right under such rules and regulations as might be prescribed by the proper legislative authority to have title made to himself for such lot or subdivision as he occupied, or had the rightful claim of possession to at the time of the entry of the land by the trustee, &c.

Second—That this right was a statutory right created and existing by authority of the acts of Congress, declaring, defining and limiting it.

Third—That the basis of the right, and an indispensable constituent of it is the actual occupancy of the land at the time of the entry by the trustee, or the possession, actual or constructive, or the right to the possession at that time.

Fourth—That occupancy at the time of the entry of the land by the trustee, presumptively gives the right to the occupant of the land, but that this presumption may be impeached and overthrown by proof.

Fifth—That possession being of the substance of the right, that the right may be lost by an abandonment or surrender of the possession, and that it may be transferred to another by a transfer of the possession.

Whether at all, and if so, or how far improvements on lots may enter into the question of rights of occupants under the acts of Congress referred to, is not necessary to the determination of this case, and therefore has not been discussed or decided in this opinion. An application of the conclusions of law to the facts as found by the court will readily determine the rights of the parties in this case:

The appellant Sarah M. Pratt, was in the possession of the lot in controversy, occupying it as a home at the time of the entry of the land on which the city of Salt Lake is situate, by the trustee, under the act of Congress. This gave to her a *prima facie* right to a title from the trustee. Is this right repelled by the proof, and the right established in the appellee, Brigham Young? Sarah M. Pratt and her husband Orson Pratt occupied the lot for some years previous to 1861, and she put improvements upon it. They then left it, and afterwards, some several years before 1868, the appellee came into possession. In the latter part of 1867, or early in 1868, Mrs. Pratt came back to the city of Salt Lake and, according to the testimony of both the appellant and appellee, the appellee gave her the possession of the lot. There was no qualification of this surrender of possession at the time, no reservation of rent, or any agreement of any kind, showing or tending to show that there was any reservation of the possession, or the right of possession, by the appellee. No rent was ever paid by, or claimed of the appellant, and she has had the continuous possession from the 12th of March, 1868, occupying it as a home for herself and her family. There was an effort made to prove that Orson Pratt paid rent for the premises to the appellee, but in this (even if appellant would have been bound by it) there is a failure. There is no proof that Orson Pratt ever paid rent for the premises, or ever knew that any was paid, or that any authorized agent of his ever paid any rent for him.

Upon this state of case it is the opinion of the court that there is no sufficient proof in this case to repel the presumptive right of Sarah M. Pratt to a title to the lot in controversy as the occupant thereof at the date of the entry of the land by the trustee under the act of Congress.

It is therefore ordered, adjudged and decreed that the decree of the court below of the 28th of November, 1873, declaring that Sarah M. Pratt is not the legal and rightful owner and occupant of the property therein in controversy, but that the said Brigham Young, senior, is the rightful owner and occupant thereof and entitled to a deed in fee simple thereto, and further decreeing that Brigham Young pay the sum of six and fifty hundredths dollars costs, and that Sarah M. Pratt pay the sum of forty-four and eighty-five hundredths dollars costs, be and the same is reversed, set aside and held for naught.

It is further ordered, adjudged and decreed that Sarah M. Pratt was in possession and rightful claimant of the south half of lot number five (5), block seventy-six (76), plat A, in Salt Lake city, being one hundred and sixty-five (165) feet square, enclosed by a board fence, and including the dwelling house of the said Sarah M. Pratt at the time of the entry of the lands embraced within Salt Lake city by the mayor of said city, under the provisions of the act of Congress of March 2nd, 1857, entitled "An act for the relief of the inhabitants of cities and towns upon the public lands," and that the said Sarah M. Pratt is entitled to a deed in fee simple thereto from the mayor of Salt Lake city.

It is further ordered that this judgment of the court be certified to the mayor of Salt Lake city, and that the appellee, Brigham Young, senior, pay the costs of this court and of the court below.

T. R. JONES.....President.
JOHN SHARP, Jr.....Vice-President.
J. T. LITTLE.....Treasurer

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WE WILL FORWARD GOODS TO ALL points in Utah and Southern Nevada.

The handling, sampling and shipping of ORE and BULLION a specialty.

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SIX Dollars a TON or 35cts a hundred pounds; FINE SALT, in large sacks 75cts a hundred.

CHEAP ENOUGH SURELY!

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1850. 1875

THE

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Editor and Publisher.

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With all East Express Trains, East, North and South.

☞ The most elegantly furnished PALACE SLEEPING CARS ever used on any railroad are now built, owned and run by this Company between

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Will run the Celebrated

PULLMAN PALACE CARS

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Without Change!

Leaving Chicago Daily at 3:55 P.M.

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DO NOT LET YOUR CHILD DIE.

Shall the bud of infant bloom
Soon be hurried to the tomb?
Mother, you with watchful eye
Cannot see your darling die.
Mark the dullness of that eye,
All irregularity.
Mark that paleness, white and deep,
And the feverish flush of cheek.
See the restless, fall and hard,
And the bloated abdomen.
Mark the spasm, keen and sore,
All the grinding pain and roar.
SAVE IT—SAVE IT!
Why has your darling mother suffered
Ere 'twas in your presence stricken?
Ask graves its whitened stones array,
Ahead to tell the tale of decay.
Hear the fearful rattling cough,
Save it, I say, I say, I say.
Pleasant Pills, Powder and Syrup
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Hundreds who have tried it all attest
It is the cheapest and the best.
Try it—try it—try it—try it—try it—try it.
Every parent now should buy it.
Wait not till another day,
Will every chance has passed away.
Take at once!
That you will try it I pray.
Mother, you with watchful eye,
Do not let your darling die.

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