

would be frustrated. All God's laws are in one sense for eternity, but are adapted to the different capabilities of mankind, and yet are the same in all ages to people who are under similar circumstances.

These and other corrections of doctrines were made by the Council and willingly received by Elder Palmer who, when shown his mistakes, cheerfully agreed to act on the decision of the High Council which was that he be requested to cease from advocating in this Stake of Zion the views declared by the Council to be erroneous and to keep within the strict line of that which is held and recognized by the authorities of the Church as plain and sound doctrine.

Elder Palmer has been over zealous to interest and instruct the youth of this community, but has manifested a desire to be set right and to learn and understand the truth and to be guided in future by the living oracles.

Every person who occupies the position of a teacher of the people should be careful to lay a solid foundation in doctrine and to advocate only that which can be demonstrated by the recognized standards of the Church of Jesus Christ of Latter-day Saints.

SELLING THE WATER OF THIS CITY

No subject can be laid before the inhabitants of this city in which they will manifest a livelier interest than a proposition affecting the water supply; and should the proposition be menacing to their welfare, the interest in it which they will display will be likely to assume the form of a belligerent jealousy. This latter sentiment has been somewhat extensively aroused by the proposal of Witcher Jones "and associates" to purchase the waterworks plant, franchises, irrigation system, sources of water supply, etc., pertaining to this city, which was submitted to the City Council, Tuesday, April 1st.

We do not know who Witcher Jones is, nor are we informed as to the identity of his "associates." We have heard it intimated that they are "boomers" of recent importation. If it be true that they are new arrivals, they have certainly taken the wrong course to ingratiate themselves into the confidence and esteem of old residents, of any shade of politics or religion. The mass of the citizens will look upon them as the authors of a scheme to secure the ownership of that without which people could not exist here,

with the design of placing the inhabitants of the city under a tribute from which it would be impossible for them to extricate themselves, and which would render the schemers enormously rich.

We do not think there is any danger that the present City Council will lend a favorable ear to the proposition of Witcher Jones and the speculators whose identity lies concealed under the term "associates." Had the Council the power to sell the water to a private concern, we do not believe it would have the hardihood to exercise that power by accepting the offer referred to. A vote looking to such action would create such a storm of public indignation as the members of the Council would not care to face, and the protests of citizens of all shades of opinion would unitedly contribute to swell the fury of that storm.

But the City Council has not the power to accept the proposal of Witcher Jones and "associates," and were the schemers as shrewd and well posted on the law of the subject as they are audacious, they would not care to risk the amount of money they offer on such a title as they could get from the city. If it be admitted that the statutory and common law applying to the ownership of the waters of this city be to an extent imperfect and uncertain, no lawyer worthy of the name will honestly deny that equity would intervene to prevent the placing of this whole city under the tribute to private parties which the Jones scheme contemplates. But we make no admission of defect or ambiguity in the rules of the common law or the provisions of the statutes, which relate directly to the subject. The settlers upon the lands of this city acquired a title to the waters which were necessary to render those lands inhabitable, or of any value, and the ownership of the water has never since been separated from the title to the land. The common law relative to irrigation will abundantly support this proposition.

So do the statutes of the Territory. Section 55 of the original charter of this city is as follows:

"Sec. 55. [The City Council shall have power] to establish, make and regulate public pumps, wells, cisterns, hydrants and reservoirs; to distribute, control and so regulate the waters flowing into the city throughout such channels as may be most advantageous, and to prevent the unnecessary waste of water."

In section 2 of "An Act Amend-

ing the Charters of Incorporated Cities," approved Feb. 22, 1878, city councils are given power

"To construct water works and reservoirs, lay water pipes, erect hydrants, and to keep the same in repair, to supply the said cities with water, and regulate, control and protect the same, and for such purpose the City Council of any city shall have power to levy and collect a tax on real estate in any district or division of such city specially benefited by any such improvements, sufficient to defray the expenses thereof."

Section 1 of "An Act to Provide for the Right of Way for Canals for Salt Lake City," approved February 20, 1880, provides as follows:

"The corporation of Salt Lake City is hereby empowered to supply its inhabitants with water, and for that purpose to construct and maintain such canals, ditches, flumes, dams, reservoirs and other means for providing, diverting and conveying water as may be necessary, although the same may be or extend beyond the corporate limits of said city."

The sixteenth and seventeenth subdivisions of Section 1 of Article IV of the general municipal law, which are applicable to this city, are as follows:

"Sixteenth.—To control the water or water courses leading to the city, and to regulate and control the water courses and mill privileges within the city; *Provided*, That the control shall not be exercised to the injury of any rights already acquired by actual owners; and to levy and to collect taxes upon all taxable real and personal property, not to exceed one per cent per annum for the purpose of furnishing the city or the inhabitants thereof with water for irrigating and other purposes, and to regulate and control the same for the use and benefit of the inhabitants thereof and may assess collect and enforce the payment of the taxes in any manner provided for by ordinance.

Seventeenth. — To construct, purchase and maintain canals, ditches and reservoirs; and to purchase springs, streams, or sources of water supply, for the purpose of providing water for irrigation, domestic or other purposes, and if necessary to secure said sources of water supply, may purchase the land upon which said water has been appropriated or applied."

An act approved March 11, 1886, gives city councils power to collect taxes with which to procure water, and to tax the users of water *pro rata*; but has the following proviso:

"*Provided*, That nothing herein shall be construed to interfere with the water rights accrued by priority of appropriation."

The foregoing quotations from the laws of the Territory are reproduced here for the purpose of showing the general tenor of legislation upon this subject, as well as the its specific provisions. It will be seen that ample power is given to the City Council to provide the city with water, but no power at all is given