voirs and canals and fifty feet on each side of the marginal limits thereof, with the right to take from the public lands adjacent to the line of the canal or ditch, material, earth and stone neccssary for the construction of such canal or ditch. The granting of the right of way conferred no powers as to the use of water, that being relegated to the states and territories. No title could be had for sites on unsurveyed lands, and the approval of the secretary of the interior must be had before the lands occupied by such right of way were withdrawn from general entry.

Two sets of regulations and instructions of the general land office for carrying out this law were issued, March 21st, 1892, and February 20th, 1894, respectively. The first ruled that the law did not contemplate the damming of rivers so that the adjacent country should be overflowed, nor the appropriation of natural lakes. As there is nothing in the law to justify this peculiar ruling, which cut out more than one-half of the storage sites, it was withdrawn in the subsequent instructions of 1894. To the average man outside of the department at Washington it is difficult to understand how water can be stored without overflowing some adjacent land. The instructinos of February 20th, 1894, were generally such as would ensure the bona fides of the applicant, and only such as are intended to carry out two equirements of the law itself can be criticised. The law permitted no legal occcupancy of the right of way until the application had been approved, nor were the lands over which the applicant was to construct his works withdrawn from public entry until such approval of the secretary of the interior. This looks harmless enough to the applicant, but experience has shown that after complying with all the requirments of the department and filing the maps, affidavits and certificates in the local U. S. land office, betweensuch filing and approval by the secretary a period of from six months to three yars elapsed. The right of way meantime, being displayed on the local tract books,but the land being still open to entry, it was soon found that unscrupulous persons were quick to perceive that a reservoir site is the key to the whole operations of the applying water company, and a desert or homstead entry was made for purposes of blackmail. Whole neighborhoods sometimes became afflicted with land proclivities within reservoir limits, and owing to the uncertainty of condemning unpatented lands, and still worse of jury trials, serious pecuniary damage accrued to the appplicant. I have in mind a case in point in Utah where the company will have to pay over $50,000 for quasi land titles within its reservoir sites—said company being over two years in obtaining its grant. By withdrawing the lands at time of filing in local land office, as is customary in other land entries, and if not approved by the secretary restoring them, all this "hold up" business can be avoided.

A grave lack of the law of 1891 was that no right of way could be secured over other than the surveyed lands of the United States. As the bulk of the reservoir sites, like our mineral claims, are in the great unsurveyed mountain ranges and as a rule unfit even for grazing, we fail to see why any such discrimination should be had, for all locations can be described and defined with reference to the nearest government surveys, certainly as clearly as mineral locations are now. Moreover, these sites being neither mineral nor arable lands will never be officially surveyed, under our present system of government surveys—hence never a title is possible. One of the anamolies of the law of 1891 was that the instructions thereunder minutely stated how the reservoir and canals should be located with reference to the earth's surface and the nearest official surveys, yet refused to grant title except when surveyed.

As before stated, under this law of 1891 thousands of new homes have been created and millions expended. Not such a great many miles south of us, one company is now spending upward of two million dollars to reclaim two hundred and fifty thousand acres—four hundred and fifty thousand dollars alone going to build one reservoir dam, and all this being done under the act of 1891.

With this law in successful operation and leading to the upbuilding of the country, Congress in January, 1895, passed a new act—which completely contravenes all previous ones and does away with all incentive for any further reclamation of lands where storage is necessary. It differs from the previous right of way acts, in that it authorizes merely a permission instead of making a grant, and that it gives no right whatever to take from the adjacent lands any material for construction, etc. Furthermore, the instructions of the land department, even if the law itself were not practically prohibitive, completely deprive it of any value whatever. It is expressly to be understood in every case that the permission extends only to the public lands of the United States, not within the limtis of any park, forest, military or Indian reservation; that it is at any time subject to modification or revocation; that the disposal by the United States of any tract crossed by the permitted right of way is of itself, without further act on the part of the department, a revocation of the permission so far as it affects that tract; and that the permission is subject to any future regulations of the department. Comment is unnecessary, for what the act left undone the department completed by entirely annulling the act itself. So all the law we now have might most appropriately be termed "an act to prevent any settlement or development of the public lands where irrigation can be effected by storage of waste waters."

I returned a few months ago from the survey of an aqueduct line for power, electric and irrigation purposes which involves in its construction a half million of dollars annually of many millions of dollars' worth of gold ores, which without the water thus furnished cannot be worked at all in a paying way, and further brings under cultivation some thousands of acres of fertile lands now worthless without water.

With every engineering difficulty solved, and a clear showing of its paying ability, there is no possible way in which the investor can obtain title, nor be safe from government entries filed subsequent to that for a right of way. A long experience as an hydraulis engineer leads me to conclude that at least a right of way for storage reservoirs on United States lands should be so granted by the government that it would have defined boundaries with precedence for ownership over all subsequent locations or entries on the public domain. I can see no other way in which any investment of this nature can be made safe.

It is furthermore essential that any new act of Congress to this end shall be so worded that no department of the government can by arbitrary construction or technicalities, which afford no additional safeguard, make such act inoperative The entire perversion of the intent of the Congress has heretofore been only too apparent in the carelessly worded acts themselves, but such perversion has been too often insured by the instructions which prevent their being carried out.

I present for the kind consideration of this convention a draft of a bill to, partially at least, meet the present state of affairs and to give some sort of security to farming and manufacturing communities, to transportation companies, and to citizens of the United States generally for their investments in this class of work. This bill has been prepared by lawyers and engineers of long irrigation experience, and should you resolve to endorse its general provisions and recommend its passage to the national Congress, it is desired that you will request the senators and representatives from your respective states to enact it into a law.

To this end I would respectfully suggest some of the benefits that will inure to the people of the United States and the general government from the act proposed:

1st. The opening up of a new agricultnral and manufacturing resources.

2nd. Enabling the government and states to sell lands to the best class of settlers; land otherwise unsalable.

3rd. Securing water powers for mining and milling ores, for producing electrical energy and again using the same waters for irrigation

4th. Inducing the investment of capital by making titles secure for grants over public lands.

5th. The reclamation of millions of acres of land that must otherwisc continue to remain arid.

6th. Affording settled communities opportunity to obtain increase of water supply from storage.

7th. Preventing land entries for blackmailing purposes.

8th. Insuring a better conservation and protection of the water sheds and catchment basins.

9th. Promoting the saving and utilization by storage, and the surface transmission of underflow waters, now practically lost.

10th. Measurably preventing floods and making communities interested in saving forests.

11th. By settling the status of reservoir and canal holdings much needless litigation will be saved.

12th. A general feeling of security as to permanency of water supply, hence the building of a better settled class of cities and towns.

Following are the resolutions as passed by the National Irrigation Congress upon the subject treated in the foregoing argument:

Whereas, There is at the present time no law of the United States whereby a permanent right of way over the public lands can be granted for reservoirs, canals or other artificial waterways—hence grave detriment to irrigation and manufacturing interests—in fact a national calamity, preventing the upbuilding of our Western country especially;

Therefore, Be it resolved by this Transmississippi Congress, that the Congress of the United States at its coming session be urged to pass such a law as will provide a remedy, whereby communities and citizens of the United States may be enabled to obtain title to the public lands as heretofore, for such purposes, and foster the settlement of millions of acres of such lands of the public domain.

FROM GEORGIA.

Sparks, Ga., Nov. 25, 1897.

We know that reports are continually coming in from all parts of the missionary field and that most of those reports relate remarkable instances of faith on the parts of Elders or extraordinary manifestations of the power of God. Indeed the way before the Elders is unfolding and happy is he who has a sufficient portion of the Spirit of God to discern every advantage and