It will also be healthful for them to observe the run of their own business and not keep on repeating the egregious blunder of doing something at one session and its opposite at the next. This is unpardonable, and if it is not stopped, a sharp stick will be pointed toward them.

As an instance of the peculiarity last alluded to, it might be stated that at a former meeting of the Council a committee, in a report, recommended that all fruit stands be removed from the public streets. The report was adopted without dissent, and it is to be presumed that the official broom made short work of the unfortunate thoroughfare fruiterers. At a session held April 8 an application for permission to establish a stand on one of the streets was presented. The Council was on the point of granting the prayer of the petition, when the adopted committee report suddenly dawned upon one of the solons. The result was that the action of adoption of the report was smashed and the application for street stand-room granted.

This fast and loose, now you do and now you don't, way of transacting business is not a feature to create an impression favorable to the acumen of the city fathers.

Last night a protest was introduced from the eighth school district against an assessment of water tax, and some other act of that kind, that had been planted against its property. The subject was referred to a committee.

Somebody in that august body ought to have been sufficiently informed to have obviated the necessity for this reference, by pointing to the ordinance bearing on the subject. On page 204 of the revised ordinances appears the following under the third division of exemptions from taxation:

"Property owned by this city, by Salt Lake County, by Utah Territory, by *any school district*, or by any religious, educational or other association or corporation and used for school purposes."

Besides the foregoing, the Territorial statute on the subject covers the ground. Division three of section 2 of the law on revenue licenses makes the following exemptions

"Property owned by this Territory or by any county, city, or school district."

Granting the "Liberal Band" the privilege of holding Sunday night concerts and to charge admission to the same, was either an exhibition of ignorance or the result of reckless indifference in relation to law, which this band was given the liberty to violate. The Council, on the very first concert held under the invalid permit, will be *particeps criminis*. Ignorance of the law is not a legal justification for an offense against it, and surely it would be a thin apology for a body of law-makers. The Council should make themselves familiar with the following section of the ordinance in relation to "Public Offenses:"

"Sec. 24. Any person who shall be convicted of skating, hunting, fishing or any kind of sporting, or who shall keep open any bar, shop, store, or any other place to carry on any kind of business *or amusement, or who shall participate in any kind of public amusement*, or unnecessary business or labor, within the limits of said city, on the first day of the week, commonly called Sunday, shall be liable to a fine in any sum not exceeding one hundred dollars, or to imprisonment not exceeding three months, or to both fine and imprisonment."

The following (Sec. 4519) in the Compiled Laws of Utah, is also against the grant or permit accorded the "Liberal" Band to hold Sunday night concerts:

"Every person who performs any unnecessary labor, or does any unnecessary business on Sunday, is guilty of a misdemeanor, and shall be fined in any sum not exceeding twenty-five dollars."

An ordinance was, last night, introduced, whose purpose was to permit the holding of Sunday concerts. Councilor W. F. James objected to it on the ground that it was not desirable to "let down the bars." It would be somewhat difficult to explain how such a permit as that given the "Liberal" Band could be granted and the bars be kept up. That action by the Council makes a large hole in the hedge, and was done not only without authority of law, but in the teeth of a Territorial statute and city ordinance.

Neither general innovations upon the Sabbath nor special permits are acceptable to the sentiment of the great majority of the citizens. This "Liberal" deal by a "Liberal" Council with a "Liberal" Band is highly improper from every standpoint.

ARBITRATION OF WATER RIGHTS.

IN THE more thickly settled portions of this Territory water rights are increasing rapidly in value, and will certainly continue to do so. There is generally a degree of uncertainty as to the exact limits of such a right, and this uncertainty has in the past been a fruitful source of neighborhood disputes and litigation. Formerly the mass of the people entertained religious views which restrained them from going to law with each other; and differences in respect to water rights, and like misunderstandings, were settled by a system of arbitration under Church auspices.

Such an arbitration, as usually conducted, was entirely outside of any recognition of law, and no force other than a moral one made it at all binding upon the parties to it. Hence in many cases water rights conceded and enjoyed by such a process, did not possess such a form and character as to give them a distinct legal status, and to enable the possessors to give a legal conveyance of them. In many cases no record of the arbitration was preserved that would be useful as evidence in court, and when lands have been purchased by strangers who would not be bound by customs which had been observed by their predecessors in interest, the results of the arbitration have been ignored.

We have no advice to give of a nature tending to encourage litigation. On the other hand unfriendly contests in the courts ought to be avoided, even at the expense of any reasonable sacrifice. But conditions are coming into existence in many localities which make it extremely desirable to have the ownership and extent of water rights fixed by a process which will stand the tests of law. The owners of the waters of a given stream, for example, often find it necessary, for mutual protection against interlopers, to know how much water each owns.

There is a process by which the water owners of a given stream or neighborhood may, in a friendly way, and with a result legally binding upon each of them and his successors in interest, have the nature and extent of each water right definitely fixed and made a matter of record. This can be done by an arbitration procedure provided by the laws of the Territory and laid down in Title IX, Volume II, page 423, of the Compiled Laws of 1888. The agreement to submit the question of each owner's water right to arbitration must be in writing and must be signed by each. The document must also embrace the stipulation that it may be entered as an order of court, and it must be filed with the clerk of the proper district court. Of course the names of the arbitrators agreed upon must be given, and the matter left to them to be determined should be distinctly set forth in the written submission.