

COURTS OF CONCILIATION.

The most recent thing in modern jurisprudence is the court of reconciliation. It has been in use in Iowa for a short time, with, as we are informed, perfect success, and the legislature of North Dakota recently brought it into existence in that state. There is no special newness claimed for the plan by which this court operates, but its practical application is altogether recent, its purpose being the simplification of legal proceedings rather than their complication, something very much needed, almost any one will say at the outset.

According to the *St. Paul Pioneer Press*, the North Dakota statute provides that at any election in a town or city of a justice of the peace, there shall be elected at the same time and for the same term of office, four commissioners of conciliation. These commissioners are to serve, two at a time, with the justice, in hearing the statements, pleadings and testimony in civil cases, before the action is brought into court in the usual manner. These hearings are to be conducted without attorneys, and the statements of the principals in the action will be the chief testimony. After hearing both sides, it is the duty of the justice and the commissioners to try and bring about an understanding between the two parties on the basis of justice, and to remove, if possible, the necessity for the more formal legal action. A provision of the law is that none of the proceedings in the court of conciliation shall be used as testimony in any action which may follow if the hearing does not bring about the desired result.

The decrease in litigation which these courts of conciliation are supposed to effect is perhaps their greatest recommendation. The bickerings between neighbors, little ruptures here and there, and small claims one way and another, by means of these courts would find a speedier, cheaper and more satisfactory conclusion than they generally do now; under another name, this plan and arbitration are the same thing. The Utah statutes provide for settlements apart from courts that are afterwards given the full force and effect of judgments by being so entered; and in all the communities of the Latter-day Saints the settlement of controversies and disputes without recourse to court or lawyer is well understood. So popular and effective is the "Mormon" plan of arbitration that on many occasions litigants who were not of our faith have craved the privilege of trying their causes before our ecclesiastical tribunals and, having obtained permission, have submitted with satisfaction to the decision rendered, feeling that justice between man and man had been sought by the court and given accordingly. It must needs be, we presume, that differences come; but there is no need that in their settlement the parties, in seeking technical advantage rather than justice, shall impoverish themselves to fatten a lot of law-twisters and mischief-breeders. If we cannot have arbitration pure and simple, let us at least have something direct, easy and inexpensive, which the North Dakota court of conciliation seems to be.

A NOTE OF WARNING.

One communication which was presented to the City Council last evening is deserving of the earliest and the most earnest consideration, the prospect being that a failure to thus consider it will entail incalculable injury to property as well as great destitution if not peril to the residents of a large district of this city. We refer to the document that relates to the present manipulation of the canals in the southern and southwestern parts of the city, whose purpose is not only to carry off the water that descends in such volume from the mountains in the early spring, but also to drain off from the lower levels of that district the excess of precipitation beyond what the land will absorb.

The subject is one that may be considered apart from any political or other aspect save that of the general welfare, and in that spirit it ought to be approached. It is perhaps no discredit to some of the present officials that they, by reason of being comparatively new comers, should fail to grasp the danger as it presents itself to those who have had more opportunities to observe it and who have had experience in meeting it. Certainly no such discredit will attach unless it shall be urged that ignorance of the situation is an excuse for blindly refusing to listen to well-meant advice.

To come at once to the kernel of the matter: It has been proven many a time and oft that the waters of the mountain streams coming down from the canyons directly east of us—that is, Parley's and Emigration, the former more particularly—cannot be conducted due west to the river through any channel that has yet been prepared. From its intersection with Tenth South street, the city's southern boundary at that point, the Jordan pursues a devious and mean-lingering course with scarcely any fall except such as can be gained by cutting off its various bends and making a direct line for a point much farther north. Many years of experience had shown that the attempt to pour the canyon water into the river at Tenth South must be abandoned—inundations, great destruction of crops and improvements, and the threatened submerging of the lower wards having resulted every season. Besides, the point referred to was an extremely dangerous one when the river was high, the banks offering but feeble resistance against the sweeping of a raging torrent across the intervening pasture lands and right up into the town. So a system of main and supplementary canals was constructed, broad and straight and deep, through which the spring freshets were conveyed northwesterly across country into the river; and as long as they were kept cleaned out and were properly controlled there was no trouble.

But through some fancy or influence or dictation which we shall not now inquire into, it has been decided to fly again in the face of all that past experience has demonstrated. The suggestions of men who have watched those waters for nearly half a century have been rudely ignored; the cost and efficacy of the old canals are ridiculed, and the expense and experiment of new ones are to be incurred.

Residents of the locality see with dismay that the channels which in years past have bravely carried away the menacing element are being filled up and discarded; that a system previously and repeatedly proven to be impracticable is again to be essayed; that there is, in short, a seeming forgetfulness of the elementary fact that water will not willingly run up hill. The people note today that the water in the river is as high as it is in the canal; and they cannot but know that perhaps tomorrow or next day, certainly before the high water season is over—instead of the canyon streams being discharged into the river, the river will be discharging its waters into the canals, backing up and flooding everything.

The *NEWS* sounds a note of warning while there is yet time to remedy the evil. We do it in no captious or criticizing spirit, but in order that the municipality may save itself from disgrace through incompetence and from expense through suits for damages.

THAT UTAH MIRAGE AGAIN.

Our friends in Tintic, the miners and mine-owners, are probably not aware of the gory tinge with which their little differences are made to ensanguine the circumambient air that furnishes life and inspiration to the sensational news-gatherer. As an example of the manner in which rumors grow in transmission we quote the following special dispatch to the *New York World*:

EUREKA, U. T., March 14.—A bloody battle which may result in great loss of life and property is hourly expected here between union miners on one side and deputy marshals and non-union men on the other.

The trouble is the outgrowth of a cut in wages of the Bullion Creek mine, which works 250 men, and the employment of non-union miners.

There are fourteen deputy marshals here, but they are unable to preserve order. The union miners have threatened to blow up the mines and burn the improvements.

The headings to this lively bit of imagination were:

LOOKING FOR A BATTLE.

MINERS READY TO FIGHT DEPUTY MARSHALS IN UTAH.

Now, when it is remembered that Tuesday last, a week ago today, was one of the quietest days in the camp since the recent unpleasantness began; that the deputy marshals have always been able to preserve and have preserved order; that the union miners by their leading men have always disclaimed any intent to commit violence and have in fact exerted themselves to the utmost in keeping the peace; and that no one, sane or insane, has expected a bloody battle with either great or small loss of property, it will be seen from how small a molehill the *World* correspondent's mountain must have grown. The incident is not without its moral, however; this is, that the disputes between the contending factions ought to be arbitrated and settled at once, and the peace, industry and prosperity of the great camp re-established; lest through