IRRIGATION COMPANIES.

A CORRESPONDENT writing under a recent date from Fountain Green, asks the following questions:

1st—Would you think it best for the water owners of this place to change from the "Irrigation Company Act" to the "Private Corporation Act?"

2nd—Has the "Irrigation Act" ever been ruled against by the courts?

3rd—Does Sec. 12 of the "Edmunds Tucker Act," of March 3rd, 1887, curtail the powers of the probate judges and clerks in executing papers as proscribed in the 2nd, 3rd, 4th and 5th sections of the "Private Corporation Act?"

4th—Can some members of an "Irrigation Company" compel other members, against their will, to change to the "Private Corporation Act," or compel those not wishing to do so to sign away their water-rights, in deeds of trust, as provided in section 2 of said Private Corporation Act?

It depends entirely upon circumstances whether or not it is advisable for the water owners of a given stream or district to change their organization from that of an irrigation district to a private corporation. While they remain organized as an irrigation district, their procedure in electing officers, assessing and collecting revenue, and other matters connected with the management of their water interests will have to conform to the provisions of the statute. They cannot change their procedure as they might desire, or even have need to do, nor can they add to nor take from the power of their trustees, which is prescribed by law. The trustees of an irrigation district are given power to establish by-laws and regulations, but respecting a number of vital matters they have no power to act, except as directed by law.

On the other hand, water owners who organize as a private corporation are much less hampered and restricted by Territorial statutes. In the framing of their articles of agreement they may introduce such provisions as will best suit their circumstances, and bestow such power and authority upon their directors or trustees, and other officers, as they see fit, of course within legal limitations; which, however, are less restrictive in the case of a private corporation than of an irrigation district. The difference may thus be summed up: The Territorial law is the charter of all irrigation districts, which they have no power to amend or alter. A private corporation frames its own charter to suit the views and needs of its stockholders, and may amend or alter the same at pleasure, in the manner provided by law, and, of course, within the limitations of the law.

But a private corporation cannot be formed without the unanimous concurrence of all who are to own stock in it. There is no legal way to compel any person to take stock in a private corporation against his will, whether such corporation be organized for irrigation or other purposes. On the other hand, an irrigation district may be organized without the concurrence of all who are to be interested in it, and who will be compelled to contribute to its revenue and submit to its regulations. On the petition of a majority of the citizens of a given district, the county court has power to organize it into an irrigation district regardless of the wishes of the minority.

The manner of dissolving an irrigation district is not specified in the statutes, consequently no prescribed method exists by which it could change its organization to that of a private corporation. Considerable difficulty would probably be experienced, in most cases, in attempting to make such a change. Before such a tranformation could be effected it would be necessary to obtain, from a court of competent jurisdiction, a decree permitting it; the procedure would probably be by petition and showing. If the court became convinced that an irrigation district ought, for good cause, to be dissolved, it would probably make an order to that effect, and this would enable water owners in it to organize into one or more companies, corporations, etc., as they might see fit. But such organizations could be made only by the voluntary concurrence of all the stockholders in or parties to them. Should individual water owners refuse to unite with companies or corporations, they could still claim their just share of water, but would have to make their own arrangements, as individuals, for getting it upon their lands.

If the water owners of an irrigation district unanimously favor a change of organization to that of a private corporation, and if all would sign a petition to the proper district court to that effect, probably the necessary decree could be obtained without much trouble. But if any considerable number of persons interested were opposed to the change, it is doubtful what the court would do.

On general principles it is preferable for the water owners of a given stream or district to organize as a private corporation in the first place. But if already organized into an irrigation district, circumstances must determine the advisability of trying to make a change.

NO FAIRNESS FOR "MORMONS."

BLINDNESS on the part of editors in relation to the rights of the "Mormon" people is becoming more and more prevalent. The statements of many of them, made in that connection, evince wilful prejudice or dense ignorance. Here is a sample expression from the Louisville, Ky., *Commercial*:

"The action of the Mormons of Idaho in opposing the admission of that Territory as a State, because of the stringent anti-Mormon clause in the proposed Constitution, reveals the hypocrisy of the State Constitution of Utah prepared by the Mormons. That Utah Constitution contained provisions which on their face were as stringent against the Mormons as could well be drawn, and yet it was prepared by Mormons as an evidence of their willingness and purpose to comply with United States laws."

The *Commercial* ought to have known that there is no similarity between the constitution adopted by the large majority of the people of Utah and that adopted in Idaho, so far as relates to the subject referred to. The former contained a clause providing for the punishment, by fine and imprisonment, of the offense of polygamy, the provision in that regard to be operative without further legislation. It did not, however, conflict with the national constitution by the incorporating in it of any religious test.

The distinction between it and the Idaho instrument is that the latter excludes, by a religious test oath, all members of the Church of Jesus Christ of Latter-day Saints from the privilege of voting at any election, or of holding any civil office in the State. For instance, as clearly shown by Hon. F. S. Richards, before the Supreme Court of the United States, in the Davis *habeas corpus* case, a man who has accepted, in his faith, of the atonement of Christ, repented of his sins, been baptized by immersion in water for the remission of sins, has been confirmed and received the Holy Ghost by the ordinance of the laying of hands upon the head, and has taken the sacrament of the Lord's Supper, is, because of his position religiously, disfranchised under the Idaho constitution. The performance of these rites and compliance with these requirements of religious faith give an individual the status of membership in the "Mormon" Church, and for taking such steps, exactly compatible with the teachings of Christ, as found recorded in the New Testament, the constitution under which Idaho is seeking admission into the Union, reduces citizens