

## THE DESERET WEEKLY.

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## JUDGE BARTCH'S RULING.

As the NEWS regards it, there is but one thing to be said directly regarding Judge Bartch's decision in the mandamus proceedings decided on Saturday—it was in accordance with law and therefore there was nothing else for him to do. The statute is quite plain on the subject; and if the applicant, being otherwise qualified and having resided in the Territory six months and the precinct thirty days next preceding, is refused registration, our condition would be a terrible one indeed if he could not obtain the right provided for him elsewhere, and what other place but a court of equity? The advice of certain Liberal extremists to "register if you have to go with a gun" would have something like a shade of justification were the situation otherwise than it is.

The applicants showed that they had been here considerably longer than the prescribed time, and were not transients but residents albeit their domicile was and is a tent. That of some of the best men these valleys ever contained was, it will be remembered, also a tent. It is no reflection upon a man to live in such a shelter until he can obtain a better one—on the contrary it is oftener than otherwise an indication of that hardihood and independent spirit so characteristic of the earlier settlers of every community; and the objection that the tent was not numbered is the merest quibble, altogether unworthy and properly unavailing, as it should have been even had the objection not been obviated.

The NEWS is not very much in love with ill-considered and whatever their political inclination or by whatever name they may be called. We hope all such will be thoroughly weeded out, or that those who are overlooked will be followed up and made to answer for the crime of annulling expressions of the people's will. But because a residence has been brief and the shelter occupied is unsubstantial, provided such residence is the full term prescribed by law, is no reason why any one should be excluded, and it must not be so. We repeat, Judge Bartch decided properly on the showing made; not only should the registrar be required to place the applicants' names on the rolls, but being there the owners of them have a right to vote and have their votes counted the same as those of the oldest inhabitants. In the midst of whatever degree of partisanship, it is manifestly dangerous to rail at the law or try to warp it to accomplish partisan ends.

## TO AID MINING.

A telegram conveys the welcome information that the Senate committee on public lands has bestowed a

thought upon the mining regions of the far West, and as a result thereof, has instructed Senator Dubois to report a consolidated bill embracing several, to aid us in establishing mining schools in our midst. The plan is to donate \$12,000 to each of the states and territories interested, this to come out of the sales of mineral lands therein respectively, provided each will on its own part subscribe a like amount, making a total fund of \$24,000 for the purpose named—enough to establish, equip and keep running an institute of the kind named. To say that such is needed and would be worth much more than it costs would be to state a superfluity.

We hope the bill will pass, and in that event take the liberty of pledging Utah's \$12,000 thus far in advance. With the school of mines established and the mint provided for in Mr. Rawlins' bill secured, we would be doing very well in a material way, so far as government aid is concerned. The government would not lose anything by it either, but undoubtedly be an immense gainer; while we of the mining sections would be aided in such manner as would not be humiliating because of the mutuality of the benefits conferred. Besides, the nation's representatives have not as a rule been any too kind to us—have not kept us blushing because of their beneficiary attitude toward us, and we are quite willing that a change should occur even thus late in the century. Better now than not at all.

## QUESTIONS AND ANSWERS.

ESCALANTE, Garfield county, Utah, September 21.—Seeing that you answer questions through the columns of the NEWS, please accommodate me:

I bought a piece of land in which there was a channel made by the rain, which was continuously dry from three to five years at a time, and which I fenced. There came a flood and filled the upper part of the channel and I filled the lower part and put it into lucern. I then moved my fence again and left a ten-inch space between the board and the ground. The road runs parallel with the fence. Am I responsible every time the canal breaks or a flood comes? I have lived on it for ten years without complaint.

How do you measure the second foot for irrigation—by flow or pressure? W.

The first question is too ambiguous to be answered by the word "yes" or "no." As stated by our correspondent, the case would seem to be one where no liability could attach to him, though he goes into explanations and details to a length that rather embarrasses than simplifies the situation. The "lay" of the country and the attendant circumstances would have to be considered in the determination of all questions of this character. But this much may be said as applicable to all: If "W's" action has proved to be a proximate cause of injury to the road or to any private property owner, he is liable for full damages; if his action is only a remote cause of injury he can be held for only partial damages, if, indeed, for any damages at all. As stated, the instance seems to be one where no liability can attach to him; but he can answer for himself whether or not the breaking of the canal or the overflow

by floods is due to his filling up the lower part of the old water course; and that will answer his question.

2—This is a matter of agreement, pure and simple, between the stockholders in the irrigation ditch. In this county it is usual to measure the share of each stockholder by flow, and this is by means of weirs. But has our correspondent stated his question correctly? Does he not mean: "What is the rule for measuring the second foot of water for irrigation purposes, by either flow or pressure?"

## RUINS IN GUATEMALA.

The English edition of *Public Opinion* for September 15th, contains an interesting and all-too-brief account of the discovery of a buried city in Guatemala. The article will well bear reproduction in full:

A buried city has just been discovered in Guatemala upon the estate of Don Manuel J. Alvarado, at the foot of Volcan de Agua. On several occasions the proprietor had noticed articles having a strong resemblance to the domestic utensils of the North American Indians at the period of the discovery of the New World. He finally decided on an excavation, and at a depth of from two to five meters unearthed a number of interesting articles, such as domestic utensils, Balinese vessels, engraved and brightly painted glasses, vases and kitchen pots, all in good preservation. Also onyx axes, hammers, swords, knives and lance heads; in fact, the whole series of weapons in use in pre-Columbian times was fully represented. Along with these were a great number of painted clay idols, fine pearls, turquoises and other precious stones. Among the latter was one of a magnificent green color, called by the natives chalchivilt, and worn only by princes. One of the glasses was ornamented with symbols and hieroglyphic inscriptions in brilliant colors. The statues, carved in black basalt, displayed great artistic skill, and are the most remarkable from the fact that their sculptors had only stone implements. So far, at least, no trace of metal of any kind has been found in the excavation, so it is probable that the buried city pertained to the stone age. At a depth of only one and a half meters the workmen came on the walls of the houses of the buried city. At the level of the floor of these they discovered a confused mass of human skeletons—some in sitting postures, some lying on their backs, some on their faces; some of the skeletons showing the inhabitants to have been giants. The positions of the skeletons, and in fact the whole condition of the ruins, point to the conclusion that the city was suddenly swallowed by an earthquake.

## HORSE TALK.

The horse races everywhere promise to be more largely attended this fall than usual. At our own driving park the customary preparations are going ahead, with everything indicating a successful season; and at other points in the Territory and elsewhere active work is going along. Manti, the capital of Sanpete county, comes to the front this time with an opening and the posters sent out indicate that a great time is anticipated. It all goes to show that the interest prevailing for many years in the subject of horse flesh does