

## THE EDITOR'S COMMENTS.

### THE BRIGHAM YOUNG STATUE.

There are some large newspapers in the country whose intolerance is so great that they can find no merit in a person not of their particular set; hence it is not surprising that they display unreasoning anger at the suggestion to place a statue of the great Pioneer, President Brigham Young, in the statutory hall at Washington; nor is it unexpected to find less influential, but equally narrow-minded, journals which copy approvingly, by reprinting without condemnation, the rancorous assaults on that great man and the people of Utah. But the more progressive and broader-minded newspapers of the country are pointing a better way, and it is pleasing to note the unanimity with which these approve the proposition. An illustration of the interest taken in this matter by those who are informed thereon is here given from the Washington Silver Knight-Watchman. Its editor is Senator Wm. M. Stewart of Nevada. Here is a recent editorial in his paper:

The Washington Evening Star must be very ignorant of the great work Brigham Young has left behind when it suggests in the paragraph quoted below the necessity of living down his memory. Whatever the faults of his religion may have been, he, with his devoted hand, laid the foundations of a State under difficulties and embarrassments the like of which were never before surmounted. More than a thousand miles from a white settlement, in the midst of a desert, without the slightest practical knowledge of irrigation or cultivation, in arid regions, with nothing but the scanty supply which they took with them from east of the Missouri river, they braved want, hunger, and privations while they were working out the great problem of planting civilization when others of a less faith and less courage would have perished. Whatever may be charged against Brigham Young, he was the most remarkable man we ever met. In fortitude, courage and control over men, he never had a superior on the American continent in establishing and building up an industrious and prosperous community where the education and habits of his race forbade the undertaking. The institution of polygamy, which was against the religion and civilization of the American people, has passed away and is no longer a reproach to the fair name of Utah. The evidence of the heroic daring, the patience, the economy and industry of Brigham Young and his followers appear on every hand in the new State they founded and built up. The traveler who visits Utah and observes the magnificent resources her people have developed and the prosperity they enjoy will be glad to see the statue of Brigham Young in the hall where the memory of the distinguished sons of the various states is preserved.

The following is from the Washington Star:

The suggestion in the Utah Legislature that a statue of Brigham Young be placed in the statutory hall of the new capitol should be carefully considered. Utah is a young State with bright prospects, and it should not handicap itself any more heavily than is absolutely necessary in the work of living down its past.

The Scranton, Pa., Tribune makes

the following pertinent statement upon the subject:

Because Utah wishes to place in the Capitol at Washington a statue of Brigham Young, a bowl is raised. Why? The privilege which Utah seeks is one that by law belongs to each state in the Union, and her selection of a subject is simply a ratification of history's testimony to Young's greatness as the conqueror of a wilderness. Grant that his religious views were out of joint. What has Congress to do with them?

### CANALS AND REPAIRS.

The following comes from Fayette, Utah, under date of March 1:

Please answer these questions in your valuable paper:

First—The company's canal runs along one side of the street, before the citizens' houses and lanes leading to corrals and stackyards. The company has put in a bridge. If the company's water impairs that bridge, or it is impaired otherwise, who shall repair it, the company or the occupants of the premises it impairs?

Second—The company has purchased a right of way through the middle of a man's city lot or field, has constructed the canal and a flume so the occupant can run his city water across to the lower side of the canal, and a bridge that the owner of the premises may cross. If the company's water impairs that flume or bridge, or it is impaired otherwise, who should repair it, the company or the occupant of said premises?

Third—The company has purchased a right of way across the middle of a man's city lot and agrees to construct and maintain the canal and has put in the necessary flume to run the city water to the lower side, and a bridge to the same. If the company's water should impair that flume or bridge, or if it should be impaired otherwise, who should repair it, the company or the occupants of the premises? AN OLD SUBSCRIBER.

First—If the canal company's water impairs the bridge, the company must repair it, and is responsible for all damages caused by neglect in attending to the work. If other parties injure the bridge by any unusual act, then they are similarly responsible for its repair. But if the bridge becomes dilapidated by ordinary wear, the duty of putting and keeping it in good order rests with the canal company, which constructed the bridge and has to maintain it. This latter proposition assumes that the canal company is the later arrival on the ground and has to maintain a roadway that it interfered with. If new houses are put up, requiring new bridges, the canal company is not under obligations to those whose right of way is secondary to its own, except as it exceeds its own right.

Second—The company which had to build the flume and bridge must keep both in good repair from ordinary wear, or from any special injury caused by the canal or its use. The company projected its property into the right of way of both road and irrigation ditch, and it must keep both in good condition on its property; that is, that which it was required by law to construct it must maintain in condition for use. If the flume or bridge be

injured by the owner of the lot or by any one else by any unusual or improper act, then the party causing the injury must make it good, or is liable for damages.

Third—The reply to the second question covers this one. A company which interferes with a public or private right of way, either of road or irrigation ditch, cannot escape the responsibility of compensating for the interference merely by temporary compliance with the legal responsibility. The compliance must be permanent and reasonable. In putting in a bridge or a flume over a right of way interfered with, the bridge or flume not only must be constructed in a reasonable manner, but must be maintained in the same way, since at best these are of a temporary character compared with that which was interfered with, and which interference is allowed by law because of the necessity of public convenience and welfare. The presumption that the ditch or roadway at that particular point might have needed repairs is overcome by the fact that the canal company took the land there for its own use, and other parties have no right to interfere further than to demand that they are not compelled to sustain loss.

### THE SHEEP QUESTION.

The ever recurring sheep question, which has been debated at every session of the Legislature for many years, has come up in the present one, with all its usual acrimony. The hostility of some of the members to what they term the impositions of the sheep men has led to some extravagant remarks and measures. The nature of the sentiments entertained upon this subject was sufficiently indicated by the debate which occurred in the House yesterday (Wednesday) on the bill introduced by Ray of Millard county, (H. B. 67).

The great bulk of grazing lands in this State belong to the United States government, and the Utah Legislature has no control over them. It may not say who shall or shall not graze stock on them, neither has it power to say that one kind of live stock may enjoy privileges on them which another kind may not. Just here is a point that is often overlooked: It is only by the sufferance of the United States government that any kind of stock is allowed to graze on these lands. Hence the lack of legal ground for complaint of injustice because the government throws them open to the stock owners alike.

But there is a moral injustice in grazing large herds of sheep on lands which the people of a settlement depend upon for pasturage for milch cows. The cows cannot be pastured far from home and serve the necessities of their owners, while the sheep may be. Here is a flagrant evil, and many are the remedies that have been suggested for it. But the fact that the lands are public domain and beyond the jurisdiction of the local legislative authority, and that the laws of Congress allow all kinds of stock to graze upon them, on an equal footing, has made it impossible to apply a direct and effective remedy.

But the police powers of the Utah