

itants are often personally and peculiarly interested, viz., the disposal of stray animals and the recovery of damages done by them. The law as it stands authorizes the sale of impounded animals after being advertized, but two if not three of the district court judges have held this procedure to be invalid, because it is taking private property for public use without just compensation. The proceeds of strays sold by pound-keepers, it will be remembered, go to a public school fund. The selling of strays after being advertized only is held to be unlawful on the further ground that the owner of property is entitled "to have his day in court" before his property can be seized and sold. In other words, under this holding, an stray cannot lawfully be sold without due notice to or service upon the owner of the animal.

This view is denied, and there are good lawyers who hold that strays may be sold with no more formality than property is for taxes; but the question has not been pressed upon by the Supreme Court of the Territory, and until it shall be the rulings that have been made in the district courts will doubtless be adhered to. This leaves pound-keepers, the owners of strays, and those who have suffered damage from trespassing animals, all in an anomalous position. Portions of the present stray law are valid, but its most important provisions are invalid, and the situation is one that calls urgently for prompt and intelligent action on the part of the Legislature. Surely in some of the older States, a method of disposing of strays, and of indemnifying sufferers therefrom, has been perfected; and it would seem reasonable to suppose that the laws of some States which have stood judicial tests might easily be adapted to the needs of this Territory.

Probably there exists in Utah no more prolific source of quarrels among neighbors than uncertainty about the title to and the right to use water for, irrigation. The courts are largely without a guide upon this subject, and are compelled to deduce their rulings upon it from the rules and analogies—often remote—of equity and law. Neighbors, between whom exists an honest difference, have no means of definitely determining which is right; and when a man acquires a water right, there is nearly always a vagueness and uncertainty regarding its amount, extent, etc. In fact the whole question of water

rights, or property in water, in Utah, is burdened with indefiniteness and uncertainty. This sort of property is rapidly becoming more valuable, and the demand for some legal means of fixing its quantity and precise nature is becoming extremely urgent.

The law provides a procedure by which the title to land can be definitely determined. Why not provide a procedure by which the right to water could also be clearly defined, sold, transferred or assigned? An attempt was made some years ago, by the Legislature, to provide means by which claimants to water could have their water rights determined and recorded; but the act which aimed to accomplish this was fatally defective in that it vested judicial authority in water commissioners provided for by it, contrary to the express provisions of the Poland law. It ought not to be difficult to devise a plan, in harmony with the laws which limit the authority of the Legislature, to provide a procedure whereby water rights might be measured, determined, recorded, sold, etc., and such a law would obviate much litigation and ill-feeling.

There are many other subjects that demand the attention of our legislators, but the above are among the most urgent, and involve the interests of as many of the people as any that are likely to come before the Assembly, aside from such as relate to the public revenue, in which, of course, all property owners are interested.

WANT A NEW COUNTY.

MR. O. W. WARNER, of Moab, Emery County, is in town. He has come with a petition to the Legislature asking that body to construct a new county, to be called La Sal.

The plan suggested is to organize the new division partly from Emery and the remainder from San Juan. In the language of the petition it would comprise "all that portion of Emery County lying east of Green River and all that portion of San Juan County lying north of the 6th standard parallel to the east boundary of Utah." The proposition includes the making of Moab the county seat.

Among the reasons on which the petition is based are the following: The portion of Emery in which Moab is situated is a hundred and twenty-five miles distant from the present county seat, with intervening rivers that are unfordable

during some portions of the year, and by wide stretches of desert country, while there is neither railroad nor telegraphic communication. The San Juan section it is proposed to incorporate in the new county is equally distant from its present county seat and separated by high mountain steppes. It is also claimed that the division of country covered by the plan is ahead of the situation of many other sections of the Territory in material wealth and development at the time they were admitted to the dignity of a county organization.

Mr. Warner has shown us samples of apples raised at Moab. They are "whoppers," to say the least. It is a fine fruit raising country.

THE GOVERNOR'S MESSAGE.

THE message of Governor Arthur L. Thomas to the Legislative Assembly is generally recognized as an able and comprehensive document. It contains many excellent recommendations. It is terse in language and strikes every point touched upon squarely on the head. It is moderate in tone and is not marred by such offensive paragraphs and allusions as have frequently given umbrage to previous Legislatures. It is probable that the present Governor and Assembly will come nearer together in sentiment and working unity than the executive and legislative branches have for many years. The result cannot fail to be pleasant and beneficial.

There is no occasion for us to make a synopsis of the message. It is not too long to be read by the public. That the revenue law needs some amendments in order to secure a more uniform and proper assessment is no doubt correct. But it is a question as to whether a full cash valuation is what is meant in the law by "a fair cash valuation." The Governor uses the term given in the statute, but his remarks convey the idea that the valuation ought to be considerably raised. The Legislature should look at this matter carefully, and while considering the interests of the Territory and endeavoring to secure uniformity, remember that high taxes means centralization in ownership of real estate and the proportionate decrease of property holdings by the laboring classes.

The Governor's remarks in reference to the present school law we consider scarcely warranted by its