

ability; he received a certificate of election and in due time filed it with the clerk of the last preceding House of Representatives at Washington, which officer is charged by law with the duty of making up the roll of members of the present Congress prior to its assembling. Mr. Rawlins's name was on this roll if made up and in a position to be placed on it if not made up, so that constructively at least he was a full-orbed member of the House or as much so as any Delegate can be, although in a general way every one holding a seat in either branch of Congress is classed as a member. There is no law, and no rule which a member is compelled to observe, requiring him to take the place if he does not want it, or having taken to hold it unless he sees fit to do so. This is a matter in which his own volition controls absolutely, and his action as to reelection having once been taken is recorded and final. The clerk can enter the member's resignation and strike his name from the roll as a perfunctory duty; in fact he has no choice in the premises, in view of what is previously set out—the member himself controlling the case and the clerk simply recording such action. Then the member is such no longer and his action cannot be revoked. If it could be the clerk would have not merely judicial and executive but most extraordinary power, for he could set aside the prerequisite of a duly called election, the election itself, the certification thereof and all the formalities attendant upon the induction of a member and by his own act constitute the applicant a member. And if he could do so much for one who had formerly been a member but of his own choice had given up the place, he could do likewise for one who had never been on the roll. Of course he can do no such thing, and until another election is held and the clerk receives another certificate, all he can do in the premises is to let the vacancy standing opposite Utah's name on the list remain as it is.

The Governor of the Territory has really less to do with the matter than the clerk of the House has. He has absolutely nothing to do with it in a discretionary way, except as to the time when the special election shall occur, it being obligatory upon him to call such election within twenty days after being advised of the vacancy. He can neither accept nor reject a resignation as an official performance, and if the Delegate's formal withdrawal were never received by the executive it would not change the status a particle; the office would be vacant just the same.

To proceed upon any other ground than what is herein set out would, it appears to us, be experimenting dangerously. We desire this Territory to be represented as much as it may be in Congress, and while it would be quite satisfactory to us for a man of Mr. Rawlins's unquestionable ability, high social standing and general fairness of disposition to discharge such duty, if we rely upon his doing so without being elected again it seems to us positively certain that when Congress convenes and the roll of members-elect is called, Utah will be conspicuous by an altogether new and quite unwelcome situation—her silence.

AS TO CHURCH CEMETERIES.

In a letter which was unaccountably delayed in reaching us, and which, after its arrival, has been long in receiving an answer, is the following:

JOSEPH, Sevier county, Utah.

Editor Deseret News:

Please answer, through the columns of your paper, the following question:

Can an ecclesiastical ward legally acquire title to land for a graveyard and lawfully control the same for the equal benefit of all the inhabitants of the precinct, whether members of the ecclesiastical ward or not?

Very respectfully,

GEORGE CHARLESWORTH.

The answer to which, according to the law and its consistent reading by an eminent legal friend, is as follows: "The Edmunds-Tucker act provides that all religious societies, sects and congregations shall have the right to have and hold * * * so much real property for the erection or use of houses of worship and for parsonages and burial grounds as shall be necessary for the convenience and use of the several congregations of such religious society, sect or congregation." An ecclesiastical corporation could undoubtedly acquire and hold land for a graveyard, and we think it could permit any inhabitant of the precinct to be buried therein.

SWINDLING LAND COMPANIES.

The San Francisco *Chronicle* advises eastern people that it is wise in these days to turn a deaf ear to the seductive advertisements of western land and irrigation companies, such as that which proposes to make the Colorado desert below Salton lake, California, blossom with flowers and gladden the eye with fruit. Many of the small companies in California and Arizona, which were formed to colonize lands along irrigation ditches, are legitimate corporations, but the great companies that brag about their millions of acres ought to be investigated before any one puts any coin into them. This Salton lake project may be feasible, though the fact that the reservoir is near the lowest point below sea level on the desert seems to condemn it.

The millions of acres in all this Pacific coast country that might be brought under cultivation and changed from sterile wastes to fruitful fields if only water could be obtained in sufficient quantities would provide prosperous and smiling homes for a nation of people. No wonder the overcrowded but hopeful toilers of eastern cities are easily lulled into investments of the kind spoken of, for they cannot understand the water problem as it is, and there is no dispute regarding the quantity or quality of land. The *News* has several times spoken of a great reservoir scheme in Beaver county, this Territory, by means of which a vast district of the best lands in Utah that have so far produced nothing but sagebrush and thorned toads are expected hereafter to contribute bly to our product of cereals, fruits and export vegetables. This is not only an enterprise to be encouraged but upheld and com-

mended as the work of public benefactors.

Our San Francisco cotemporary contributes other light, however, to the California situation, showing that even if water could be brought to all parts of the desert lying between Salton and the Lower California line, there yet remains the stubborn fact that more than half of this land is as unfit for cultivation as the sand dunes south of the park in that city. For miles south of Salton there are tracts which change their face every day at the sport of the desert wind. Huge whirling mountains of sand go waitzing across this dreary waste of mesquite and cactus and no power has yet been discovered which will restrain them. Even the sheltered valleys on the edge of the desert are greatly bothered by sandstorms, which frequently tear up tender plants and strip vines and trees of the young fruit. Who, then, will be able to make a wind-break that will protect orchards or vineyards on these blea desert plains? The reclamation of three-quarters of the Colorado desert may, it is said, be effected in the next century, but this will only be accomplished when more favored spots are over-crowded.

Of course money invested on shifting sandbanks with agricultural intent is simply thrown away, and those who by advertisements or otherwise cause others who are ignorant of the situation to make such investments should be prosecuted to the full extent of the law; merely giving warning through the newspapers is not enough. We may have such lands in this Territory, but so far as we have been able to learn there has been no organized attempt to defraud or deceive anybody regarding them.

THE PENSION BUREAU.

It is noted as a somewhat curious circumstance that the post of commissioner of pensions—presumably more clerical than executive—is one of the hardest to fill acceptably within the entire civil service department. Under the last previous administration the office instead of being measurably obscure and engaged in routine work of such a severely disciplinary character that the people did not care to pay attention to it, became and continued to the last the most attractive and interesting cynosure in the republic. The open-handed manner in which Corporal Tanner laid out the funds to all comers—in fact his previously announced intention of being "good to the boys"—started up the interest and it kept growing until finally his superior officer had to protest, then take a hostile attitude, the result of which was that the frank and ready corporal found his neck under the official blade. Then came the incumbency of Green B. Raum, the scandal relating to his son and many other objectionable features continuing to the close and serving to keep the pension bureau in the fore front of the government's choicest bric-a-brac.

It is claimed by the perennially belligerent New York *Sun* that the melting of the surplus was enough of itself to cause another and a juster theory of