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AN ALL-IMPORTANT QUESTION

The discussion in the irrigation convention over the action of the courts of this State, brought to the front some facts that are well worthy the attention of all persons interested in the question of water rights. State Engineer Doremus exhibited thorough acquaintance with the situation and the needs of water-users, and in his statement about the insufficiency of the decision of the courts, we do not think he intended to make any attack on the judiciary, but rather to show the need of some definite legislation to settle the questions that are continually arising, and on which even the courts cannot establish a finality.

Judge Johnson's defense of judicial decisions as to water-rights was doubtless based upon facts. But he did not maintain, as some delegates seem to imagine, that even those decisions put an end to litigation. It is not claimed, even by the judiciary we believe, that courts are infallible and never make mistakes. They have to decide questions of law and of fact in water-suits according to their best judgment, on the evidence presented and the statutes and precedents that are cited in each case. They are human and therefore it is possible that they sometimes fall into error. If this were not so there would be no need for courts of appeal, and even the highest tribunals have been known to reverse their own conclusions, but being composed usually of the best available talent, they are as likely to approach perfection as is probable in fallible human nature.

Water disputes are very different in many respects to contentions about land. The latter are comparatively simple. A deed of conveyance defines exactly the dimensions and situation of the real estate sold or granted. The grantee obtains absolute ownership of a fixed measurement of the soil. But the right to water is not either absolute or so clearly defined. Appropriators are only entitled to the beneficial use of the water, and this leaves open so many questions that disputes are likely to arise which, even when decided upon by a competent court, leave a loophole for further contentions.

This is not the fault of the courts but is a condition associated with each case. Every new attempted appropriation of the water from a natural source of supply brings up fresh questions to decide, and all that can be reasonably expected in judicial decisions is to confirm to appropriators, such portion or portions of natural sources of supply as the evidence adduced justifies. The fluctuations in the volume of streams, the increase and decrease of their flow, the claims for secondary and subsequent uses, and other complications are not likely to be settled, particularly while the needs for water increase and the supply continues to be inadequate.

Even in mining litigation, the decisions of courts become subject to criticism and to further judicial inquiries. Yet they can be made more definite and probably final than cases of disputed water rights, for the reasons that we have mentioned and others that might be cited. They are usually very expensive, and even when they appear to have been fully settled, new questions arise and further litigation is the consequence, and that not through any fault of the courts nor defect in the opinions rendered. The uncertainty arises through mining operations and rights, which are different from those attending the titles secured and fixed as to ordinary real estate.

The convention now assembled cannot be expected to devise measures that will cover all the requirements of the water question. They can do little more than take initial steps in the desired direction, and we think the formation of the committee proposed by Delegate D. P. Miller is likely to do much toward the adoption of plans on which a more definite irrigation system can be based. The subject will have to be investigated and the needs of the various parts of the state dependent on irrigation will have to be studied, and such legislation recommended and prepared as will be adapted to present conditions, with an eye to future emergencies. Even then, it is scarcely to be expected that all difficulties will be removed and all contentions ended. It is a complicated matter, and it cannot be satisfactorily settled without a spirit of mutual aid and a desire for the common good, which must be placed above individual and selfish interests.

TREAT HIM RIGHT.

There have been some objections raised against the feasting of Prince Henry, the great attention paid to him, and the guard by him is continuously surrounded in his journey to different places during his visit to the United States. We regard them as

typical. He is the guest of the nation; he stands for a great empire. The hospitality extended towards him shows our sentiments towards the people whom he represents. It is not today to royalty to make his sojourn among us pleasant, and our attentions suited to his rank and standing in the world. Because this is a Republic, that is no reason why we cannot recognize the opinions entertained by the people of monarchies, or should neglect to extend the courtesies that are commonly enjoyed by them in other lands.

As to the protection which is thrown around Prince Henry we find no occasion for fault. On the contrary, we think that every precaution should be taken against possible disaster. The case with which an anarchist took the life of our late esteemed President, is and should be a lesson to us on the present occasion. If the head of the freest Republic on earth could be assassinated by the hand of an assassin, how much more likely is it that a representative of royalty should be an object of attack from the enemies of all government, who regard crowned heads as the special objects of their murderous animosity! The utmost vigilance should be exercised to prevent possible disaster of this kind, for it would be a lasting disgrace to this nation if through any fault or neglect of its entertainers, Prince Henry should come to serious harm. He should be treated with all the kindness and respect due to his station, and shielded from any danger to which he is liable to be exposed.

TERRIBLE ACCUSATIONS.

The editor of the Ogden Standard, having been found guilty of a misdemeanor in violating the quarantine ordinances of the city, has been threatened with an action at law for his removal from office in consequence. This has naturally stirred up the Standard to a high pitch of anger, and the result is a long, fierce and somewhat rash accusation against State dignitaries as well as Ogden municipal officers and private persons, which is unwarranted under the circumstances. Here is a specimen paragraph: Answering its own question of "what is a misdemeanor?" it says:

"A misdemeanor is the smallest possible violation of any law. Probably no man lives to the age of twenty-one years without having been guilty of a misdemeanor. The governor of this state, every supreme judge and district judge, and every officer of the state has been guilty of a misdemeanor at some time."

This is a very serious charge to make, and it does not affect the question of the position of the Mayor-editor in the least degree. It sounds very much like the childish defense of, "Why do you whip me? Billy is as bad as I am." "If I took some sugar, Sally took some too." And really the accuser would probably find it very difficult to prove his allegations against the distinguished officials whom he mentions, if called upon for evidence. He goes on to assert:

"The Standard could probably show up a thousand different deeds or acts that, under the law, are called the crime of a misdemeanor. Such acts are those that are daily performed in Ogden by hundreds of people, by some not knowing that they are violating a law, yet every one of them could be arrested if a skunk mean enough could be found to swear out a complaint."

According to this arraignment the people of Ogden must be a very lawless set, and violations of the law should be permitted to go on every day without complaint, from officer or other person, because the editor of its daily paper maintains that any person who would lodge such a complaint would be "a mean skunk." One more paragraph from the Standard and we have done:

"The Mayor-editor has received many extravagant notices from the public and the press, but we have never seen or heard of any comparison between him and Napoleon before. But he says of himself:

"Napoleon once said, 'Pull me down and France goes down with me.' So too with Ogden. The Mayor, as the head of Ogden City, cannot be injured without injuring the city."

LESSENING MILITARY BURDENS.

The proposed reduction in France, of the military service, from three years to two, is one of the straws showing the tendency of the age towards more rational conditions. France, undoubtedly has abandoned all hope of "revanche" upon an enemy that has become too strong to be tackled single handed. The French people must have come to the conclusion that its military burdens weigh like a curse upon its shoulders, and hamper its progress in every direction. Besides, France has seen in the two last wars that have engaged the attention of the world, that citizen soldiers, when fired with patriotism, can hold their own against armies trained in military schools and reduced to automatics. Why should any country any longer take the flower of youth away from home and friends, and sacrifice some of their best years in military barracks, only to return them from there, corrupted as to their morals, and to a great extent mentally crippled by a discipline which often amounts to brutality? This is against the best interests of any nation.

The effort to reduce the time of military service will meet with protest from the old element that cannot forget Sedan, but the younger element should give it hearty support. What France needs more than a fighting force is an enterprising industrial army, to make the country prosperous and happy.

It needs homes and pure home life, and less of barracks life. Its glory lies in an opposite direction to that, which the "man of destiny" marked out for it. As a republic it should be the first country in Europe in all that serves to render nations free and happy. And it looks as if the French people were gradually awakening to this fact. Some years ago the effort to maintain an army equal in number to that of Germany, was abandoned, and now the military service is another step in the same direction. It should have a beneficial influence upon the small countries of Europe, the governments of which have insisted their larger neighbors in military matters to such an extent, that they have lost thousands of young, strong citizens, who preferred expatriation to military service. It should be encouraging to friends of peace, as an indication that nations are coming to their senses.

When the Russian czar suggested a gradual limitation of the fighting machinery of the world, the idea was ridiculed as that of an enthusiast, but evidently, that very thing must be brought about, to prevent bankruptcy in some countries. Undoubtedly some great wars will yet have to be fought, before everything is so adjusted that a reign of peace can be established. France, however, can best afford to remain neutral when those wars break loose. It stands to reason that not the great military giants, but the peoples that have excelled in industry, commerce, arts and sciences, will be the most prominent during the millennial era that is expected to succeed the long era of strife.

"SCIENCE" AND QUARANTINE.

The arrest of a prominent Christian Scientist lady in this city for the alleged violation of a health ordinance is in line with a practice followed in some other cities of the country. It is a matter of regret that sometimes it becomes necessary to resort to acts that may easily be construed as persecution. Not long ago Christian Science was the subject of discussion in German government circles, and the conclusion was, very wisely, arrived at, not to employ force against it, but combat it, as far as possible, by spiritual means. This certainly is the correct attitude.

But Christian Scientists should consider that the great majority of the public believe, on what they consider sufficient grounds, that sickness is a very serious matter, and that some diseases are contagious. The public believe they are justified in prescribing certain rules for the prevention of the spread of such diseases, and they expect these rules to be observed by all. And when the rules are violated, it is difficult to see what course is open to the authorities, but prosecution. Quarantine regulations are none too strictly observed. What would the condition be if they were not enforced at all?

We may possibly be told that all this sickness and contagion is merely a matter of imagination, but even if this were true, it would make no difference. If one family imagines itself afflicted with scarlet fever, and the imagination is so strong that it produces high temperature, eruptions and other symptoms, and other families imagine themselves in danger by contact with the patients, it is clearly the duty of the afflicted parties to keep isolated for a time, lest through imagination others should also be the victims of fever. Whether sickness is an actually existing condition, or not, has nothing to do with the question of quarantine. The Scientists may possibly have a better understanding of matters pertaining to health and disease, than the general, benighted public has, but even if that is true, they should, for the sake of the public that know no better than to believe that diseases can be "caught," submit to the rules adopted for the prevention of their spread.

The Christian Scientists have accomplished wonders during the past fifteen years. They have drawn to their support half a million people, or more, chiefly from churches the leaders of which do not believe in divine healing. Many of them are highly educated and intelligent men and women. They have organized congregations all over the world and built churches ranging in cost from \$1,000 to \$200,000. They have more than 10,000 practitioners, and they claim to have restored hundreds of thousands to health, happiness and hope, and they assert that they heal the sick through the power of the Almighty without the aid of medicine.

To ordinary people faith in the divine power does not preclude the use of such means as experience and research suggest. We may have faith, but we do not expect to sustain life without proper nourishment. We do not expect to cross oceans and continents without the use of railroads, or ships, or some other means of conveyance. We use clothing and fuel against the rigor of a cold climate. We sow, if we intend to reap. We study, if our purpose is to become proficient in any line of knowledge. And with all this we may exercise faith. Why, then, should we follow an entirely different course when the body, on account of the derangement of its wonderful machinery needs special attention? The divine source of life and health is not denied. But that faith is not opposed to the wise use of the knowledge man possesses, nor to ordinary precaution. Our Lord himself employed means for certain ends, even in the healing of the sick.

IT NEVER RAINS BUT IT SHOWS.

Those addicted to giving the water cure should try it on the arid west.

The last day of winter was a genuine winter day and a credit to the season.

These talks for and against new telephone lines give rise to a lot of "hot air."

The chasing of the brigands by Turkish soldiery might be called the pursuit of evil.

If the senate is to be made the scene of hotbeds the cure might be found in handcuffs.

The Tillman-McLaurin circus has be-

come a white elephant on the senate's hands.

These days the last lay of the hen is far more popular than the "Lay of the Last Minstrel."

More teachers are needed in the Philippines. Is it to "teach the young idea how to shoot?"

Germany loves the "Watch on the Rhine." And America prides herself on the Waterbury watch.

Among all the lieutenant-governors of the states of the Union, Tillman of South Carolina is sui generis. And a mighty poor kind it is.

Harvard university proposes to confer a degree upon Prince Henry. It is very proper, for the Prince is already popular to a degree.

Prince Henry has planted a linden tree near the tomb of Washington. The eternal fitness of things called for the planting of a cherry tree.

Seward Webb wants the world's record for a long distance fast train. It is a modest want and should be granted. Most men in his position would be content with nothing less than the world.

After the evidence which has been collected showing that King is probably not guilty of the murder of Colonel Prowse, it will be strange if the real culprit is not brought to justice and the innocent freed from suspicion.

The city finances are scarcely in a condition to justify the raising of salaries in any department, no matter how worthy the members may be. Increased salaries mean increased debt, and no corresponding increase of revenue.

Having declared that "the only hope of a material increase in agricultural products is through irrigation of arid lands," Secretary Shaw has taken the step that henceforth makes for him a warm spot in the hearts of the farmers of the arid west.

Mr. Chamberlain has made the interesting and important statement that the surrender of Boers will be accepted on any terms General Kitchener or Lord Milner may agree to. The only thing lacking now is to get the Boers to agree to the terms.

Boston, all intellect and ancestry, never did quite appreciate New York. President Eliot of Harvard spoke of the metropolis in these terms the other day: "For some time I have gone about the city of New York, and I have been impressed only with the ugliness and squalor of it all. Still, I may say that it has two redeeming features—the water that surrounds it and Central Park. In Cambridge we teach landscape gardening."

The snowfall which has come, contrary to scientific predictions but in accord with the expectations of old settlers and weather-wise observers, is truly welcome. We did not need it so very much in the lowlands, but it was absolutely necessary in the heights. A considerable sized deposit is being made up there, and the value of it is beyond computation. A few more such storages in the mountains, and the fears that have been entertained as to drought during the coming summer will be entirely dissipated.

The death of Colonel C. L. Stevenson will cause general regret. During his long residence in Utah he has become a familiar figure in business circles, and was particularly known as a competent civil engineer and expert in irrigation affairs. He was prominent in all matters relating to these subjects, and gathered much statistical and other valuable information concerning them. Though afflicted in a manner that almost made him a cripple and would have disabled less energetic and determined persons, he exhibited a force and vigor, and yet a kind and genial disposition, which commanded respect and endeared him to his associates. He will be sadly missed in this city, and we grieve to have to bid him farewell.

THE SCHLEY FINDING.

New York World.
President Roosevelt's findings on the appeal of Admiral Schley, which, though evidently intended to be strictly fair and impartial, fail to satisfy either side to the controversy, leaving both the chief figures in a sense "victims to circumstances," will tend to strengthen the superstition which is said to prevail at Washington that the Spanish war cast a baleful influence over every prominent participant. President Roosevelt has thus far escaped, but the superstitious insist that his political future will be hurt by this affair.

Boston Transcript.

But the controversy will run on in the press and in politics until public weariness of the whole subject gives it quietus. The Schley partisans will make much of the President's finding that Sampson was a "cavalier" battle, and that neither Sampson nor Schley was in immediate personal direction to an extent that determined the result. They will take care to ignore the President's finding that Sampson's real claim for credit "rests upon his work as commander-in-chief; upon the excellence of the blockade; upon the preparedness of the squadron; upon the arrangement of the ships head-on in a semicircle around the harbor, and the standing orders in accordance with which they instantly moved to the attack of the Spaniards when the latter appeared. For these things the credit is his."

New York Mail and Express.

The President's verdict will cause any attempt to continue the Sampson-Schley controversy to meet with the marked disfavor of a wearied public.

Springfield Republican.

The clear impression one receives is that, in the President's opinion, Schley should not have been allowed to remain with the squadron after his retrograde movement and failure to destroy the Colon. Those acts were certainly "reprehensible," and it was doubtless because of them that Sampson was hurried down to Santiago by the government. It is not likely, however, that Sampson was the man whose influence kept Schley on the blockade as second in command. That was a matter which was undoubtedly determined by Sampson's superiors at Washington.

Boston Herald.

He holds that Sampson and Schley have received rewards of promotion in right degree according to their relative deserts, and there is no warrant for reversing President McKinley's action, as he was asked to do. Personally, he thinks that Capt. Clark should have been advanced, and many numbers as Vainwright was, but praises the latter's heroism cordially. Not only have

Admiral Schley's friends not bettered his case by their latest move, but he is distinctly in a worse position than before. This ought to be, and we think it must be, the end of the affair as a matter of large public interest.

Baltimore Sun.

Mr. Roosevelt concludes his decision with the assertion that "there is no excuse whatever from either side for any further agitation of this unhappy controversy." That seems a rather eccentric way to put it. When a referee is called in to settle a dispute between two persons, one of whom is believed by the majority of his neighbors to be the victim of injustice, the situation is not improved if the arbitrator falls upon the man who has been wronged and clubs him within an inch of his life. Mr. Roosevelt may fancy that this sort of arbitration is productive of harmony, but he entertains this opinion his eccentricity is incurable. Of course Admiral Schley is still the popular hero. The majority of his fellow-citizens cannot be induced to regard him in any other capacity than as the victor of Santiago.

Worcester Gazette.

The final outcome of the controversy leave Admiral Schley, so far as relative honors are concerned, where he would have been had he accepted President McKinley's judgment, but meanwhile most unseemly dissensions have been created. The whole affair has been very unfortunate and it should now be brought to an end. It may be impossible to agree upon it, but the American people can well afford to agree to disagree and cry quits to controversy. The country is weary of it and it does the navy much harm. Let it drop.

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