

scene of confusion and dismay for a while as would be painful and awful. Yet the mutterings of a pent up storm are heard on every breeze that descends from the Alps, its coming is heralded in every political gathering that is dispersed by gen-darmes. With half a dozen crises during the erection of the Exposition buildings, each one threatening the overthrow of the government and the burial of the structures beneath its ruins as reminders, the great show has seemingly banished every thought of trouble, and all is "merry as a marriage bell" without a squadron in the field and with the excellent discipline created by Boulanger completely dissipated and lost sight of.

THE PASSION PLAY.

THE German village of Oberammergau is preparing for its regular decennial performance of the Passion Play, illustrating the crucifixion of the Savior and incidents connected therewith. This is the only performance of that subject which is tolerated by the civilized world, the attempts to produce it in New York a few years ago being overcome by the authorities after all preparations had been made and everything was in readiness. By the citizens of Oberammergau it is a kind of semi-religious and semi-historical exercise, the tradition being that a plague which infested that district of country was removed after long and devout prayer, and the people thereupon made a covenant to observe the occasion every tenth year in the manner stated above. Large numbers of visitors from all the civilized nations attend these representations, and the indications so far are that there will be more next year than ever before.

MOMENTOUS QUESTIONS.

THE proceedings in the City Council on Tuesday evening were more than usually interesting. The question of the right of way for the Utah Western Railway was discussed, and the protestants seem to have given up the contest on the condition that the road out of town be placed on Fourth West Street; objections to that route did not appear to be very numerous or formidable.

The subject that occupied most of the time and attention of the Council was the water question. Several projects for increasing the sup-

ply were mooted and referred to the Water Commission. The public are anxious that something be done quickly in this direction, and inconsiderate people expect important measures to be decided out of hand in a moment. Too great haste often results in serious mistakes, and it will be far better for the City Council to "be sure they are right" before the "go ahead," even in the matter of water supply, than make a blunder for which the general public will never forgive them, no matter how much they may have been urged to hurried action.

The letter of Lawyer Brown on the subject of the powers of the City Council, presents a grievance which needs attention and, if possible, a remedy. But it seems to ignore a very important limitation of the authority of the municipal government. While it is true that the City Council is authorized to control and distribute the waters flowing into the city, for the use and benefit of the inhabitants thereof, the prior rights of the original claimants are protected by special provisions, and this qualification affects the legislation by which chartered powers are granted. In the act of 1886 granting further powers to the respective cities in regard to water taxes, it is provided: "That nothing herein shall be construed to interfere with the water rights accrued by priority of appropriation." The act of 1888, in defining the powers of City Councils, has the following:

"Sixteenth. To control the water and water courses leading to the city, and to regulate the water courses and mill privileges within the city; *Provided*, That the control shall not be exercised to the injury of any rights already acquired by actual owners, etc."

These prior rights to the use of water, acquired many years ago, are and should be protected by law, and no chartered powers conferred by the Legislature upon City Councils have ignored them or attempted to override them. The right of the Salt Lake City Council to control and distribute the waters, then, does not take away or diminish the rights of prior appropriators, and Mr. Brown should take this into consideration in giving his legal or personal opinion on this important subject.

The report of the Committee on Water Works and Irrigation, contains some admirable suggestions and recommendations. The temporary relief which will be afforded by the turning of the waters of City Creek

into the irrigation ditches of one district, and then into each of the others in turn until all have received their quota, will be highly appreciated by the owners of plots of ground which are now parched and dry as powder beds. This may save thousands of fruit and other trees from threatened destruction. The conveyance of the water through the pipes to the fire hydrants, will be far preferable to turning it into the ditches in the canyon, for this will save the evaporation which would greatly waste the water before it reached the gardens to be irrigated.

We explained this proposition in a recent article, and believe it will be made effectual, if the local watermasters in each district personally supervise the distribution and see that each owner obtains his lawful share. It often occurs that persons living at the end of an irrigation ditch are robbed of their quota of the precious fluid because of leakages or tapplings of the stream at points above them. In times like these, water stealing becomes a crime of more than ordinary magnitude. And the loss of the water is not made up by the prosecution of the thief who stole it; the unwatered soil remains just as dry whether he is properly punished or not. Therefore measures should be taken to prevent the evil rather than to fine those who are guilty of it.

The proposal to credit on their water rates persons who have been taxed four mills on the square foot of ground owned, for the extension of the water mains in their vicinity, seems to be as equitable an adjustment of the difficulty as can be made under the circumstances.

The error occurred in the beginning of the establishment of the waterworks. For this the present City Council is not responsible. The part of the city where property owners were the best able to pay a local tax for the local benefit, was supplied at the public expense.

An attempt was made to correct this when the two-thirds voluntary payment system was adopted, the amount advanced to be credited on the water rates. But this was found to be inequitable, because objectors to paying, in many instances, reaped the benefit of the payments made by others.

The last method adopted, which is very unpopular, was considered the most equal plan and was designed to do justice to all. The assessment, however, upon the area of ground occupied, has proven very