

deeper than appears from Mr. Doremus' notes."

"Defendant's witness Searles testified that at the lowest point which he could find on the inlet bar, the twenty-two inches of boards would be about one-quarter of an inch higher than the inlet bar."

"These witnesses are experts of acknowledged skill and large experience as hydraulic engineers, and from their testimony, as well as from other evidence in the record, it is difficult to see how twenty-two inches of obstructions can interfere with the natural level of the lake, as it existed before the dredging of the river and the building of the new dam, or at the time when the contract was entered into by the parties to this controversy. It is clear that the contention of the appellants on this point is sustained by such a preponderance of evidence as will justify us in directing the court below to correct the finding of facts and decree, so as to permit the plaintiffs to maintain permanently, without interference on the part of the commissioners or the defendants, twenty-two inches of obstructions in the new dam; and if the practical operation of this should overflow any of the lands of the defendants, as is predicted by their counsel, then such misfortune must be attributed to the want of evidence to show the fact."

"The remaining material question in this case is whether the Utah lake commissioners have authority, under the contract, to permit the appellant to place additional obstructions in the dam between October 1st in any year and March 15th following, if such obstructions have been ordered out and removed after the first day of October."

"The trial court decided this question in the negative, as appears from the clause of the decree, which reads as follows: 'If the said commissioners order the removal of the planks or other obstructions after the first day of October in any year, the plaintiffs shall not have leave to replace the same until the fifteenth day of March of the following year, nor at that time, unless the commission shall so decide.'"

"The appellants claim that this is the result of an erroneous construction of the contract and is not in harmony with the intent of the parties to it, and that the intention of the parties in creating the commission was to give all the power necessary to enable it to carry the contract into effect according to its true intent and meaning."

"The commission was created for the purpose of better carrying the contract into effect, and the contract, so far as material here, provides as follows: 'The said persons shall constitute a board and are hereby empowered as the legally constituted agents of the parties hereto, to determine and direct when and to what extent obstructions may be placed in the said water way of the dam, for the purpose of storing the lake with water for future use, not to exceed the highest elevation heretofore specified. Provided, that if in any year, on or after the 15th day of March, it shall be ascertained by said board that the fall of snow during the past winter has been light, and if the said board are of the opinion that

the water of Utah lake will probably not rise to the highest level heretofore mentioned, then the said board shall permit the said parties of the second part to raise said dam to a height to be fixed by said board, which shall cause the water of said lake to rise to said level, and if it shall be ascertained by experience and observation that the said parties of the second part can obtain all the water necessary for irrigation purposes by keeping the water way of the dam open until the waters of Utah lake shall have receded below the highest level mentioned, then the board shall require the water way to be kept open until the water recedes to such level as the board shall deem sufficient to supply the said parties of the second part with water.'"

"Under this provision of the contract," continued Judge Bartch, "it is insisted by the respondents that if the additional obstructions are ordered removed by the commission, after the 1st of October in any year, they cannot be replaced until after the 15th day of March next following. This would imply that if they were not ordered removed they might remain in the dam the entire winter. We do not think such a construction is warranted by the language employed, nor by the purpose and object for which the commission was created. While the plaintiffs are not permitted to replace the obstructions, of their own motion, after they have been ordered out, still the commission may order them replaced at any time when the circumstances and condition of the lake warrant the obstructing of the flow of the water, so as to comply with the terms of the contract."

"The purpose and duty of the commission is to watch the condition of the lake and guard the interest of both parties to the contract."

"In the absence of express words to that effect we do not feel warranted to adopt a construction which would empower the commission to permit the planks to remain in the dam from October 1st to March 15th, but prohibit them from replacing them before March 15th, if for any purpose they should order them to be removed after the 1st of October."

"Nor, after a careful consideration of the entire contract, are we able to ascertain any good reason why such a construction should be adopted. Nor is there anything to indicate that such was the intention of the parties at the time of making the contract."

"We conclude that the appellant's contention as to this point must also be sustained and that the finding of facts and decree in relation to this question must be modified so as to authorize the commission to replace additional obstructions in the water way of the dam before the 15th day of March in any year, even if they were taken out after the 1st day of October."

"We do not deem it necessary to discuss the other points raised in the records."

"The cause is reversed, as to the two points decided, and remanded with directions to the court below to correct and modify the finding of facts and decree, as to those points, in accordance with this action."

YOUNG LADIES' CONFERENCE.

Minutes of the conference of the Y. L. M. I. A. of Salt Lake Stake held Tuesday, June 30, in the Assembly Hall, Superintendent Freeze presiding. Meeting opened by singing, "Redeemer of Israel." Prayer was offered by Elder Curtis; continued by singing; roll called and minutes read and approved.

Mrs. Annie Wells Cannon delivered an address on The Young People of Utah. She sketched the effects on people of climate, scenery and surroundings and said "Where should the youth be so noble and so brave as in Utah, the home for independent souls, the Switzerland of America? Utah is a refuge to the weary, a sanitarium for the afflicted, an inspiration to the poet and a joy and grandeur for us all. The record of our youth is bright and unsullied, but if we are pure and noble and bright, to what do we owe those precious gifts? Not to scenery alone though it has its influence."

Then the speaker pictured the little band of pilgrims—their trials, their faith and devotion, and referred feelingly to the "homes built by faith—few indeed can boast of such parentage. Shame to the Utah boy or girl who would be a traitor to such. If the youth are of noble character it is the parents' reward—an answer to their prayers. Let us follow in their footsteps. Let Faith be our watchword and Prayer our protection."

A solo was then rendered by Miss Della Daynes.

Miss Aretta Young was the next speaker. She was thankful to be associated with the young ladies of Israel. She counseled the young to use their influence for good, to seek the spirit of God at all times and in all things that they may become pure in action and thought.

Superintendent Elmina S. Taylor urged the young to put their faith in God our Heavenly Father for we are surrounded by many powers that lead to evil. She hoped for much from the daughters of Israel. They are seeking a testimony for themselves that will endure to the end.

Mrs. Emmeline B. Wells spoke of the wonderful personality of the Prophet Joseph which was observed by many not of his faith. The Prophet had said the time would come when evil influences would be more catching than disease and far more dangerous. It seems that the time is now. She thought the Relief Societies should be recruited by the young ladies that the sisters who are so far advanced in years may be relieved of some of their burdens.

Counselor Mattie H. Tingey exhorted the young ladies to seek for the power of discernment that they may know good from evil.

Meeting then adjourned until 8 p. m.

Evening session—Opened by singing and prayer.

A solo was rendered by Mrs. Florence W. Dibwood.

The Stake officers of the association were then presented and unanimously sustained.

A solo was sung by Mrs. Nellie Druce Pugeley.

Then came an address on Reverence by Mrs. Annie Kay Hardy who