

silver per ton. The ledge is about two feet in width at that point. Drifting is progressing rapidly at the 200-foot level, about twenty-five feet having been run both north and south. Sinking has also been resumed in the shaft, which will be sent down to 300 feet as rapidly as practicable.

In accordance with the announcement Messrs. Pingree and Austin held meetings in Willard, Three Mile Creek and Brigham, Tuesday. The meetings were very well attended; there was talk to the point; questions and answers, those in attendance showing much interest in the proposition. In brief, the owners of the proposed Ogden sugar factory agree to pay the Boxelder county farmers \$4 a ton for the sugar beets at the factory; the railroad has made a rate of 25 cents a ton for the raisers. It will require fifteen pounds of seed at 15 cents per pound to sow an acre. This should produce twelve tons. There should be a net profit of \$10 to the acre. The Ogden sugar factory will have a capacity of devouring 700 tons of beets per day, so there is not much cause to fear an over production of beets. As to the sugar supply, the United States imports billions of pounds each year.

In all three towns contracts were signed for raising many acres of beets. —Brigham Bugler.

For the last two weeks there has been a great deal of activity in mining circles in this city occasioned by the splendid specimens of float which has been found both in the eastern and western hills, some of the rock in many cases surpassing the riches that the Spanish conquerors found in the new El Dorado. Some, in fact the most part of the specimens found, had been subjected to acid test, and successfully withstood the pressure. Rock has been pounded up and fifty colors have been found to a pan.

While we are convinced that the rock in question is gold bearing quartz, there seems to be a suspicion lurking in the minds of cool-headed people that the rock has been floated round the city for the purpose of exciting the populace to renewed efforts on the numerous mining propositions in and around Nephi. Of course we are hopeful that rich strikes will be made for the sake of our city, but before the people get wild over the subject we would advise them to let a few weeks elapse to show what development work will accomplish. —Nephi Republic.

#### [St. George Union.]

Three more numbers complete volume 10 of the Union. During the year 1896 our receipts were \$155.89 less than our expenses. During the year 1897 our receipts have been over \$100 less than our expenses, and now we are satisfied to step down and out, and, unless we sell out to some who are blessed with the gift of language and who can make themselves popular with the community and business men, the Union will be discontinued at the close of the present volume.

The mortal remains of one thousand persons have now been interred in the St. George cemetery. Ulrich Bryner, father of Casper Bryner, was the first. He died on the 1st of March, 1862. Willard McMullen, the 5 months old child of George McMullen, who died January 21, 1898, was the one thousandth. There are a little over 1,600 population in the city, so that we have laid away in thirty-six years about two-thirds as many as are now living here at the present time, and this is considered to be about an average of what the inhabitants of this city have been doing in the whole time since 1862.

On Sunday, January 23, 1898, Angus M. Cannon, president of the Salt Lake Stake and brother to David H. Cannon of this city, addressed the congregation in the Tabernacle, on the duties the Saints and the blessings that the Gospel brings to those who keep the commandments of God. He came to visit his relatives and friends and to bask in the luxurious bright Dixie sunshine, but lo! he, like many others, was doomed to disappointment; for it snowed all the morning of the 23rd, and about six inches of snow fell in that many hours, which made it appear more like a northern clime than a beautiful sunny south. Never mind, brother Angus, we promise you if you stay long enough you will see it warm enough yet.

Justice Miner of the State Supreme court has delivered an opinion in the case of Joseph M. Thompson against the Salt Lake Rapid Transit Co., appellant, affirming the decision of the court below.

The opinion is important in this, that it lays down a rule of what constitutes negligence. The court finds that when both parties are negligent, the true rule is held to be that the party who last has a clear opportunity to avoid the accident, notwithstanding the negligence of his opponent, is considered solely responsible for it.

Thompson brought action to recover \$25,000 damages for negligently causing the death of his fifteen year old son. He alleged carelessness on the part of the defendant in failing to have its cars supplied with proper brakes, switches and motors. The boy, it appears, was deaf and dumb. The jury found for the plaintiff in the sum of \$1,500 and costs, when an appeal was taken.

On the questions of proximate cause and contributory negligence the court finds that a plaintiff may recover damages for an injury caused by the defendant's negligence, notwithstanding the plaintiff's own negligence exposed him to the risk of injury, if such injury was proximately caused by the defendant's omission, after becoming aware of the plaintiff's danger, to use ordinary care for the purpose of avoiding the injury to him.

A street car company operating electric cars in a public street which increases the hazards and dangers to pedestrians is held to a degree of care proportionate to the increased danger arising from the use of such propelling power. "The greater the danger, the greater the care must be to avoid injury."

On the capacity of deaf mutes the court finds that the deceased was a well grown boy of fourteen years, possessing average intelligence, and holds that under such circumstances he was the more bound to use his sight, and that the submission, to the jury, the question of his contributory negligence was proper.

On the question of defective appliances as raised by the plaintiff, the court says: "When it appeared that when the motorman saw the deceased approaching the track with an evident intention to cross without seeing the car, that the motorman applied the brakes, but they were so defective they did not work, and he received a shock from the defective motor that delayed his purpose for a second; that he could not stop the car until the injury was done because of the defective brakes; that the car ran fifty feet after striking the deceased; that defendant had repeated notice of the defective brakes and motor, but failed to repair them; that if the car had been in repair it could have been stopped in eight feet;" held that defendant was negligent in the use of such car.

"If the defendant knowingly placed in operation upon the public streets a

defective car that could not be controlled because the appliance provided for that purpose were out of repair, and the injury complained of was occasioned by such defective breaks and appliances, and the motorman was unable to avoid the effect of the contributory negligence of the deceased, because of such defects, then it could properly be said that the defendant's negligence was the proximate cause of the injury."

The court also finds that a defendant cannot plead his own negligence as a defense, and says a defendant should not be allowed to excuse his want of reasonable care.

Chief Justice Zane and Justice Barch concurred in the opinion.

#### NORTH ALABAMA CONFERENCE.

Plymouth, Mississippi,

February 1, 1898.

We have just concluded a three days' meeting of the North Alabama conference held at Plymouth, Pontotoc county, Miss., on the 28th, 29th and 30th ult. There were present besides the forty-six Elders of the conference, Elders F. M. Lyman and M. F. Cowley, of the Apostles; Elder E. S. Kimball, president of the mission; Elder Albert Matheson of the office at Chattanooga, and a number of Saints and friends from a distance. Miss Whitney of Cache Valley, Utah, was also present. Through the zealous efforts of Elders Taylor and Alvord, who were laboring in the county suitable preparation had been made for entertaining the Elders and visiting friends, and much praise is due the kind people of this locality for the hearty welcome and generous hospitality accorded to all. Friday was spent in council meeting in listening to the inspired counsel and teachings of Elders Lyman and Cowley. Saturday, at 10 o'clock a. m., public services commenced, Elder Jos. McGregor presiding. The forenoon was occupied by Elder F. M. Lyman.

A Priesthood meeting was held during the noon hour and a majority of the people remained in attendance. Elders Haight, Michelson, Tanner, Tolman, Hinckley, Brown, Slack and Christensen were called upon and each occupied five minutes. The afternoon services were occupied by Elder Cowley. Sunday at 10 o'clock a. m. the people reassembled and despite the inclement weather the house was filled with interested listeners. Elders Albert Matheson, Jos. McGregor and E. S. Kimball were the speakers.

The afternoon meeting was addressed by Elders Cowley and Lyman, who spoke on the divinity of the great latter-day work, the mission and labors of the Prophet Joseph Smith and the authenticity of the Book of Mormon. The Spirit of the Lord was richly manifest in all our meetings and each speaker bore a strong testimony to the restoration of the Gospel through the Prophet Joseph Smith. Appropriate singing was rendered by the Elders under direction of Elder D. P. Felt. The Apostles blessed the Elders and the people and all expressed deep satisfaction with the teachings given. The Elders of North Alabama were highly complimented by the citizens and visiting brethren upon their healthy and robust appearance.

F. MCGREGOR,

President.

WALTER H. SLACK,

Clerk of Conference.

Under the impression that he was imbibing sherry wine, Otto Eichholz, a porter at the drug store of G. Leipnitz & Co., on Sutter street, San Francisco, swallowed a draught of wine of colchicum last Friday afternoon that cost him his life.