

Few funeral services carry the same influence as did this one. There was no jar; all was kindly, all was peace; Bishop Beattie of the Seventeenth ward had charge, and that ward choir furnished the music, which was choice and sweet. The speakers were Elders Wm. Spicer, who had known the deceased for fifty years, Thos. Sleight, Henry W. Brown, James Dwyer, Wm. Binder, John White, Bishop Taylor, Wm. White and H. W. Naisbitt, with benediction by Brother Cox, who each spoke of the deceased in loving words. Many friends laid flowers on the casket in which he slept. The man who had left wife and children for the Gospel's sake, found many friends in Zion; beloved everywhere for his virtues, the faults he had were easily condoned, and it can be truthfully be said, that "where he was best known he was most warmly loved." Sister Dwyer prior to her decease was as a mother to him, but in Brother White's family he found later needed friendship and esteem. His last expression told of kindness and attention, and when he was gone the entire expense was Brother White's tribute to the faithful Elder and aged man, who in his last moments received from his distant wife the acknowledgment of their timely financial aid which now has ceased.

Peace to his ashes! His body shall rest in peace, while his spirit communes with many who have joined the great majority after knowing him in the flesh. These will give him greeting such as he will give to many whom he loved and left behind. Surely some of the Elders in London will echo the sentiments uttered here, as a benediction to the wife and family, realizing the truth that

"God moves in a mysterious way,
His wonders to perform;"

and few are so pliant as in the hour
of bereavement and sorrow! N.

A SUPREME COURT RULING.

The Supreme court has handed down an opinion in the case, of Isaac N. Whittaker, appellant, vs Wm. Ferguson, which was argued and submitted on January 13th. The opinion affirms the judgment of the lower court.

Plaintiff sued the defendant, who was a road supervisor, to recover \$250 damages, alleging in his complaint that he was the owner of a certain quarter section of land in Utah county which he had gone to the expense of fencing in. In December, 1895, defendant cut down and removed the fence. Defendant in his answer admitted the cutting down, but justified himself by claiming that the fence had been erected on a public highway. The court below found for the defendant, with his costs, from which an appeal was taken.

In deciding the case the court takes occasion to lay down certain limitations of the Supreme court in all law cases. The court says that in appeals of law it cannot determine questions of fact and preponderance of the evidence, but says that in appeals of equity both fact and testimony may be considered. The Constitution, section 9, article 8, is quoted, which reads as follows:

"In equity cases the appeals may be on both law and fact; in cases at law the appeal shall be on questions of law alone."

The opinion further says: "The decisive question on this appeal is whether the road in dispute is a public highway. Counsel for the appellant, inter alia, insists that it was never dedicated as such to public use.

"The court, among other things, found that from the year 1884 down to 1895, the time when the acts complained of were committed, the plaintiff's land, on which the road is located, was used, occupied, abandoned and dedicated to

the public use and convenience; that the owner of the land acquiesced in the use of the land as a highway during all of that time, and that the plaintiff herein and his grantors and predecessors in interest, at all times and all occasions acquiesced in and agreed to the use of said roadway, as it now exists, and as it has existed since 1862."

"It is urged for the appellant, that the evidence is insufficient to justify these findings. This, however, is a question of fact in a case at law, and therefore, we have no power to consider the justness of the findings. The only province of this court in such a case is to ascertain whether there is any legitimate proof which supports them, and if there is, then we are conclusively bound by them, regardless of whether or not the findings are supported by a preponderance of the testimony or whether in our judgment, on all the evidence, they are justified. It is only when there is no competent evidence, in a law case, to warrant the finding fact which materially affects their rights of a litigant, that this court will interfere and hold the finding nugatory and void. In such event the question as to the proof to sustain the finding, becomes one of law, and falls within the jurisdiction of the appellate court.

"Likewise, where a case at law, in this State, is tried before a jury, the appellate court is powerless to disturb the verdict on the ground of the insufficiency of the evidence, if there is any legitimate proof to support it, because in no case, whether tried by the court, with or without a jury, can we determine questions of fact. This is so by virtue of the Constitution, as follows: 'In equity cases the appeal shall be on questions of law alone.'

Under this provision, it will be observed, an appeal may be taken in equity cases on questions of fact as well as of law. The appellate court, therefore, by necessary implication and intentment, has the same jurisdiction and power in equity cases, to determine questions of fact as well as of law, and may go behind the findings and decree of the trial court, consider all the evidence, decide on which side the preponderance thereof it, ascertain whether or not the proof justifies the findings and decree, and modify or set aside the findings of the decree, and enter or direct such findings and decree to be entered as the evidence, in the judgment of the appellate tribunal, may justify.

"The constitutional provision, however, confers no such jurisdiction and power upon the appellate court in cases at law, for, in such cases the appeal is expressly limited to 'questions of law alone,' and hence the jurisdiction and power in law cases are limited to the determination of questions of law. We can, therefore, in cases at law, examine the evidence only so far as may be necessary to determine questions of law, and have nothing to do with the sufficiency of the evidence to justify a finding or decree, unless there is no proof to support it."

The opinion was written by Justice Bartch and concurred in by Chief Justice Zane and Justice Miner.

COUNTY FARMERS' INSTITUTE.

Mill Creek, Jan. 19.—The Farmers' Institute was held under the direction of the Salt Lake County Horticultural Society in Mill Creek and Taylorsville ward houses Jan. 17 and 18, 1898.

Director L. Foster, Mrs. L. C. Foster and Prof. F. B. Linfield, from the Agricultural College, Logan, were the principal speakers.

At the first session held at Mill Creek, Jan. 17th, at 10 a. m., Prof. Linfield lectured on the Private Dairy, its Profitable Care and Management. He stated that a dairy farmer should be

a gentleman and an intelligent business man as well; should not keep any other cows than those that would give him from 200 to 300 pounds of butter fat during the year; should treat those cows with kindness, and use the greatest care possible in tending them. This would make the dairy business profitable.

There is at present a good market for butter and cheese and a great amount of these articles are imported into our State from other places, and draw a great deal of money out which should be kept in circulation at home. He gave some interesting points in regard to the selections of first class dairy cows and their proper management.

Director Foster gave a very interesting paper upon Sugar Beet Culture in Utah. He declared that, according to the analysis of soils and beets from many counties in the State, this last year, he had discovered that Utah has many advantages over other states in the production of sugar beets. He had received communications from an eastern firm that gave him authority to state that where beets can be grown successfully, and where the farmers are willing to organize companies and put up one-third of the capital stock, these firms would furnish the two-thirds of the capital in order to build factories. He felt that this industry should be patronized to the greatest extent as it gave room for more laborers and left the soil in a better condition for other crops, and gave a good net profit for the grower. He gave some valuable instructions in regard to the best methods of raising beets, preparing of the soils, etc. He stated that the government, through the experiment station, was willing to help the farmers by the way of furnishing seed, analyzing soils and giving general instructions how to produce the crops.

SECOND SESSION, 2 P.M.

Mr. John Boyce from Granite gave an instructive lecture on fruit culture in this county. He stated that on account of our neglect in raising sufficient good fruit to supply our market, other counties have to this date been tacking the advantage of us and hold control of our market. All classes of good fruit are in demand except plums; there is not at present much sale for them, but prunes, especially when evaporated, are in better demand.

Mrs. L. C. Foster read a paper on What to Read, which was very interesting and timely. She referred to the evil practice of reading novels and some other books. These had a tendency to destroy the good morals of our young people. Recommended the reading of good home magazines and papers, which had a tendency to elevate the human mind.

Prof. Foster next lectured upon the benefit of raising poultry and the science of producing eggs in the winter season. The main thing after the selection of a good breed, is to start as early as possible in the season to raise pullets; these will generally start to lay in the fall. He recommended to keep them warm and dry, and to scatter the food in some loose straw or chaff so as to keep them working all day in order to find it. He also spoke of the great necessity for the farmers to organize and combine themselves into strong organizations for their own protection. He next gave a paper upon the subject of Crop Rotation, as applied to Utah farm conditions, which was very instructive in its nature, as he showed to the farmers that in order to find out the strength in their soil they had to change crops from time to time.

Prof. Linfield next lectured; subject, The Care of Milk on the Farm. He recommended the greatest cleanliness possible and said, Milk was a product