tiff's land, the court decided that this was due, not to water from the drain ditch or the Surplus canal, but from the natural condition of the soil and the water placed upon it by the act of the plaintiff, and that such nuisance as had been caused in the neighborhood of the White Lake was brought about by plaintiff's action, and this being so, the plaintiff could not come into a court of equity and demand an abatement of that nuisance by the defendant; that the defendants could not be answerable in damages for a reasonable exercise of a right accompanied by a cautious regard for the rights of others, without negligence and without malice. The court denied the issuance of the writ. The language used by Judge Norrell was clear and emphatic, and left no point of the controversy uncovered.

An appeal from this decision was taken by the plaintiff to the Supreme court of Utah, with the result that this court, not having heard the testimony of witnesses and of experts, apparently ignoring the prior rights of the respondents, seemingly not recognizing the purpose and object for which the Surplus canal and drainage ditch were constructed, and in face of the fact that the occupiers of about 25,000 acres of tillable land, on which are their homes and improvements, would of necessity be greatly damaged thereby, granted the application of the appellant and plaintiff, and issued an order for an injunction, which requires the closing of the drainage ditch and the duse of the Surplus canalfor anything but the convenience of good water suitable for irrigation and cul inary purposes. This virtually throws these old settlers back into the conditions which confronted them previous to the construction of the Surplus canal and the draining ditch, endangers thousands of acres of farming and grazing land and also public highways, and for what? To answer the purpose of the owners of land which it is impossible to cultivate successfully, for the reasons already stated. The interests and property of the many are, it seems, to be sacrificed for the benefit of the few, and on grounds so shallow and untenable that the public mind is bewildered in seeking for tangible reasons for so strange a decision.

Chief Justice Zane rendered the opinion, which was concurred in by Justice J. A. Miner and Justice Jacob Johnson. Judge Bartch being indirectly interested in the lands watered by the plaintiff's system, could not sit on the case. That is why the court was constituted as here explained. There are not wanting hints, rumors and suggestions as to the causes which led to such a remarkoble result. The decision appears to ordinary people so contrary to the facts and to many legal minds so hostile to settle principles of law, that the word astonishment but feebly expresses the sentiments of the public. It is not proper, perhaps, to express opinions as to motives. We can only deal lawfully with facts and principles, but nevertheless, the indignation that is felt throughout the greater portion of Salt Lake county over the ruling of the Supreme Court of Utah in this case has to find a vent by some means, and hence this brief explanation. The question which naturally arises is, what is to be done about it? The answer is, at present nothing. The court that has rendered this strange decision has "the last guess." The people so seriously affected by it will have to "grin and bear it," for a while at least. That a great wrong has to be endured there can be little doubt. How much further that wrong has to be pressed and inflicted time will show. That justice will at length claim its own, and that the right will eventually come uppermost, may be set down as a certainty. Meanwhile, the public ought to know the facts, and when the time comes for the public voice to be expressed, it is probable that it will be heard in no uncertain tones. Watch and wait.

In behalf of the people.

ONE OF THEM.

ITEMS FROM FILLMORE.

Fillmore City, Utah, Feb. 8.—Many of the citizens of the little town of Kanosh think it advisable to have an incorporated town organization, and at a mass meeting, at which was present by invitation, Judge Greenwood, a committee consisting of E. W. Penny, James M. Gardner and George Crane, was appointed to make inquiry as to successful working in other places in this State, and report in the near future.

The unprecedented winter is still with us with all its blessings and disadvantages, as I write, 7:30 a. m., everything in sight is wrapt in the mantle of white, wet, soggy snow, ten inches deep and still falling. On the 6th and 7th a rapid thaw set in and the deep snow had disappeared from some spots in the beaten roads which spoiled the sleighing; last night a heavy rain set in, followed by this heavy snow; the result, when it clears up, will be bad for travelers, and I fear the sheep men will continue to lose heavily. Mr. George A. George, of Kanosh, told me Saturday, that there would be but few sheep left in this part of the country, if this weather continued long; he said, "I expect to lose 30 head again tonight—have been losing from that to 50 head some nights." Many of the sheep are being hauled into town in wagons and fed on hay at $5 per ton, and still they die after being fed. Mr. Charles Jukes, who is in the business with Mr. Bland of Brooklyn, Sevier county, is also losing heavily.

Horses are also rapidly dying off on the range, with few regrets to settlers, as they had become a nuisance, without value to anybody, and consequently hundreds of unbranded, wild, and dwarfed ponies were to be found all over this county.

Many people have lost large quantities of apples and potatoes, for Jack Frost has got down to unprecedented low acts here, unexpectedly entering cellars, and in many instances solidifying all the bottled fruit in sight. And 23 below zero is not a healthful sign for our next season's crop, as the tender wood has no doubt suffered some; 35 below zero has been reached at Oasis, this county, and yet a few of our citizens have an itching for the Klondike. The farmers who got their wheat in the ground last fall do not want to go there.

A. BIRD.

SUMMIT STAKE CONFERENCE.

Coalville, Feb. 2, 1898.

At 10:30 a. m. of Saturday, January 29th last the Summit Stake quarterly conference convened, Elder W. W. Cluff presiding. After singing and prayer Elder Alma Eldredge addressed the meeting. Spoke of the lack of interest in the things of God manifest by the Latter-day Saints. Bishop Stephen Walker reported the conditions of Peoa ward.

2 p. m.—The Hoytsville, Henefer and Almy wards were reported by their respective Bishops, and Elder J. Golden Kimball addressed the meeting and showed the necessity of reading the Scripture both at our meetings and home.

Elder Cluff announced the time of holding various meetings during the conference. The choir then sang a selection and benedicton was offered by Elder W. H. Branch.

At the close of Sabbath school at 10:30 a. m. the conference re-convened. After singing and prayer the Bishops of Evanston and Kamas reported the condition of their respective wards.

Elder Cluff then addressed the conference.

The meeting adjourned by singing, and prayer by Elder William Burton.

2 p. m.—After the preliminary exercises the Sacrament was administered by members of the Priests' quorum.

The authorities of the Stake were presented and sustained, and Elder Stephen Walker, a returned missionary from Samoa, addressed the conference during the administration of the Sacrament.

Bishop Salsby reported the Rock Springs ward, after which Elder J. Golden Kimball addressed the meeting.

The conference was adjourned for three months and benediction was pronounced by Elder Ward E. Pack.

S. U. B.

SCHOOL HOUSE REMOVAL.

State Superintendent of Public Instruction Park has had a perplexing proposition on his hands with reference to the demolishing of a school house in one end of a district and an attempt to erect a new one in another part. He referred the matter to the office of the attorney general, and today Deputy Benner X. Smith replied as follows:

Dear Sir:—Your favor of the 2nd inst. asking the following questions is at hand:

"The local voters of a school district on proper notification met in February, 1897, and voted a tax in conformity to law, for the purpose of pulling down a school house n the south part of the district and ereeting another in its stead; also, to purchase grounds in the north part of the district and build thereon a school house.

"In conformity with such purpose, the trustees have proceeded so far that they have demolished the school building in the south part of the district, and have purchased a site upon which to build a new one in the north part of the district, when there comes a petition from two-thirds of the resident taxpayers that the trustees shall call another meeting of said taxpayers to change the purpose of the tax as expressed at the last meeting in February, 1897.

The question arises, can a two-thirds majority vote now taken of the legal voters of the district at a meeting legally held for that purpose, lawfully change the purpose and application of the tax voted at the meeting aforesaid, in February, 1897, so far as such change may be possible; or at least to erect a school building at the center of the district instead of the others before contemplated, with the money remaining of the aforesaid tax? If such change may be lawfully made, what would be the effect of a remonstrance to such change by one taxpayer or any number less than a two-thirds majority?"

I find upon examination of the Revised statutes in reference to the powers and duties of trustees of public schools which is substantially the same as the laws of 1896 and 1897 on the same subject, that one-fourth of the resident taxpayers of a district may petition the board to call a meeting of the qualified voters to vote upon the question of the selection, purchase, exchange or sale of school house site, or the erection, removal, purchase, exchange, or sale of a school house, etc. Upon this petition the board is authorized to act by giving certain notice, stating the purposes of the meeting, and at such meeting a majority of the voters may select a school house site, or if they be in favor thereof, may, by their vote authorize the board to locate, purchase, ex-