failure. The business of crushing ore there
no doubt about the right of the plaintiffs
to an injunction restraining the defendants
from such diversion, upon a bill framed
substantially like the one in this case.
Taking the complaint as true the injury
to the plaintiffs is more serious than would
arise from the mere diversion of the water,
from its being rendered dangerous to human
life. The rights acquired by the plaintiffs
should be protected by the Court. The com-
plaint although inartificially drawn, sets
out with sufficient clearness and certainty,
the character and nature of the plaintiffs
claim; the character nature and extent
of the interference on the part of the de-
fendants, and the character in which
the plaintiffs sue. The injury complained
of is to the common property of the plain-
tiffs, and constitutes a private nuisance.
The demurrer should have been overruled.
The judgement of the Court below is re-
versed, and the cause remanded with
instructions to overrule the demurrer.

S. H. Emerson Assoc Justice

and Territory of Utah Supreme Court January Term
1878 James Crane et al Appellants vs Louisa
Randall Respondents. Opinion of Court
Filed in my office this 23d February 1878 E. T. Sprague
Clerk Supe Ct.