

over, we have intended at once to bring the water into this district, to aid in the working of the rich mines that you own and that need this water so badly, but Dan Rich has jumped our claim, and has men at work on our dam site. We have remonstrated with him, and threatened him, but he refuses to go. Now, what does this Dan Rich propose to do? Does he intend to bring water to Omega? No, gentlemen. He thinks it will pay better to take it to Nevada City, and will not bring it here. Now, gentlemen, we are law-abiding citizens; we don't want any bloodshed or violence, but we want two or three hundred of you to go with us to-morrow, where Rich is at work. When he sees such a crowd coming, after the threats we have made, he will pick up and leave without any trouble, or we can carry him out between two chips; then we can again secure our property, and go on with this magnificent improvement." In those days it took but little to collect a crowd for almost any enterprise that promised a little excitement, and especially when, as in this case, it was made to appear that the interests or rights of the people had been violated. The next day about a hundred men accompanied the agents to the scene of the trouble. They met Rich and his partners a distance below the dam, who returned with them when informed for what purpose the visit was intended. A lunch had been prepared for the crowd by the company at their cabin, and while here Rich took several of them out and showed them the half million of improvements that the agents claimed the company had made, consisting of as much work as the two men could do in two or three days. By this means he exposed the weakness of the other side and converted a large portion of the men into friends or neutrals. Among the crowd, however, were some who had come purely from a desire for

excitement and mischief, and these rolled stones down the side of the precipice upon the men at work on the dam. They failed to accomplish anything by this measure and withdrew, leaving Rich and his partners in complete possession.

The company then sued for \$100,000 damages, and the case was in the courts for years. Finally, in the summer of 1867, the company was awarded \$1.00 damages, which they thought also confirmed in them the title to the property. One enthusiastic German stockholder, named Burgantz, became so elated at their success, that he went the round of the saloons in Nevada City, rejoicing, the burden of his refrain being, "Poys, ve've gaint der suit, und ve out der Sout Yuba broberdy. Come und trink Burgantz's visky." The next day the attorney for the company asked to be put in possession of the property, but the court said that on the suit for damages but the one dollar allowed by the jury could be given them, and that the court could not put them in possession. This was a severe blow, for no proceedings had been instituted to secure possession, and their right to do so had expired by limitation. The supreme court, upon appeal being taken, sustained the position taken by the lower court. However, the attempt to accomplish something was not abandoned until 1872.

The courts of the Pacific coast have firmly established the principle of water rights, that is, an absolute property in water. By their decisions, given after much long and expensive litigation, they have affirmed the principle that a water right of a definite number of inches may be located on any stream where prior rights have not attached, and that the quantity located may be taken out, even to the draining of the original stream; also, that one right may be located further up than another for such surplus water as is not needed to supply the for-