

THE NEW ESTRAY LAW.

AN ACT providing for the disposal of Estrays and Animals for Trespass and Damage.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah:

Section 1. That any precinct of said Territory may, at any general or special election, called for that purpose by the county court thereof, by a vote of the majority of all the taxpayers of said precinct, declare in favor of fencing their farms and allowing their animals to run at large; and in such cases the provisions of this act authorizing the detention and sale of animals for damages shall be inoperative.

Sec. 2. It shall be the duty of the county court of each county, at its June session in the year A. D. 1892, or as soon thereafter as may be practicable, to declare what shall constitute a lawful fence for that county and the fence viewers of said county shall be governed thereby.

Sec. 3. All horses, mules and neat cattle over eighteen months of age found running at large, on which there is no brand, and any hogs running at large on the premises of any person not the owner, are hereby declared to be estrays.

Sec. 4. It is hereby made the duty of the constable of any precinct of any county in this Territory to take up any estrays in said precinct, and, after advertising them by posting notices in three of the most public places in said precinct (giving a general description thereof) for ten days, shall sell the same at public auction, to the highest bidder for cash; and after deducting costs and expenses of keeping and sale, shall deposit the balance of the proceeds of the sale with the justice of peace in and for said precinct, to be by him disposed of as in the case of balance of sale of animals for damages as hereinafter provided. Provided, That the constable shall have the power to sell estrays at general "round ups" or drives, and shall advertise his intention to do so for a period of fourteen days previous thereto, in some paper having a general circulation in such county, and he shall receive as compensation fifteen per cent. of the proceeds of such sales.

Sec. 5. If any neat cattle, horses, mules, asses, sheep, goats or hogs shall trespass or do damage upon the premises of any person, except in cases where said places are not enclosed by a lawful fence in counties where a fence is required by law, the party aggrieved may recover damages by an action at law against the owner of the trespassing animals, and no animals trespassing shall be exempt from execution. Provided, The fees in such cases shall be but one half the fees in civil cases.

Sec. 6. The owner or occupant of any improved real property may detain all animals doing damage on such property and keep them in some secure place and properly care for the same or immediately turn them over to the precinct poundkeeper, who shall examine all marks and brands on said animals, and shall notify the owners, if known, and if said owner does not reside within the precinct where said animals are detained, said notice shall be, by registered letter, containing a description of said animals, including all marks and brands, with the amount

of damages and costs. If the owner of said animals is not known, the poundkeeper shall examine the Territorial brand sheets, and, if marks and brands are recorded therein corresponding to the marks or brands on said animals, the poundkeeper shall notify, by registered letter, the person in whose name said marks and brands are recorded, and if all damages are not paid within two days from the time of taking said animals, he shall enter suit in the nearest justice's court for the amount of such damages, costs and keeping, and said justice shall hear and try such cases in the same manner as other civil cases, are tried; provided, That service of summons, time and place of trial shall be as now provided by law in civil cases in justice's court.

Sec. 7. The plaintiff must assess the damages, and if the defendant is of the opinion that the damages claimed are excessive, he may, at any time before the trial, tender to the plaintiff the amount he deems reasonable, and if the plaintiff does not recover a greater sum than that tendered, the costs from the time of the tender shall be assessed against the plaintiff.

Sec. 8. After six months from the date of said sale the net proceeds thereof shall be paid into the county treasury, to the credit of the county school fund; Provided, however, that if the owner of said animals shall, within six months from the date of sale, satisfy, by affidavit or otherwise, the magistrate who heard the case that he was the owner, the justice shall pay such net proceeds to such owner.

Sec. 9. The magistrate shall, at the first session of the county court after the expiration of six months from the date of the sale, report to the county court his proceeding therein and the disposition of the proceeds thereof.

Sec. 10. The constable in each precinct in every county in this Territory is hereby made the poundkeeper of such precinct, and is entitled to and is made the custodian of all brand books and brand sheets pertaining thereto.

Sec. 11. Any person who shall take any animals out of the custody of any person holding them for damages, as provided in this act, or who shall intercept or hinder any person in taking up, or attempting to take up, such animals for doing damage, is guilty of a misdemeanor.

Sec. 12. The provisions of this act shall in no way interfere with existing legal rights of incorporated cities and towns in relation to animals running at large.

Sec. 13. That Chapter 55, Session Laws of 1890, and all other laws and parts of laws in conflict herewith, be and the same are hereby repealed.

Sec. 14. This act shall take effect from and after its approval.
Approved March 10, 1892.

COMMENDATION AND EXPLANATION

I want to thank you heartily and sincerely for your editorial of yesterday on "Mormonism and Infidelity." It was a most wise, just and clearly discriminating article, and I hope copies will be sent to the so-called secular papers of the country. It would be true that I had received but a very imperfect conception of Mormonism if I had intended any such thought as that

inferred by "J. M. S." But if I were not clear in my statement, let me say now that my meaning was this: The Evangelical churches have been and are the enemies of Mormonism. They will not permit it to receive the same recognition they get as long as they can prevent such a result. The unchurched people, who are the "alleged infidels," insist that no sect should receive favors at the hands of the government, and that no combination of sects should be permitted to build itself up at the expense of any other sect. So the alleged infidels' belief can never be a violation of any statutory law. Therefore, when they know Mormonism as it is, they will insist also that it shall have as fair a field as is accorded to all other sects in our country. That once done, "the future of Mormonism" would, I maintain, be settled, as to its right to exist, as completely as that of any other sect, and it would have equal opportunity with all other sects to work for the fulfillment of its aims.

This was my thought. If I did not state it clearly, the fault was mine. That you have so fairly stated the case, I say again, meets my warmest commendation. Now, when we realize how many there are outside of all churches, it is easy to see the possibility of creating there as strong a public opinion in favor of equal fair play to Mormonism, as exists in behalf of other sects.
CHARLES ELLIS.

NOTE.—After writing the above I picked up the News to read further its editorial matter of yesterday. I found in the same column with and following the article alluded to above another headed "North Carolina Mobbing." I want, therefore, to add that this second article affords "proof stronger than holy writ" that my position, so far as it touches upon the attitude of the evangelical churches to Mormonism, is true beyond question, and is irrefragable. The Mormons have publicly abjured polygamy. The people of North Carolina, however low they may be in the scale of literacy, compared with Mormon Utah, must have known this fact. Consequently "polygamy" could not have been the animus of their opposition to the Mormon Elders. Therefore, my statement that the evangelical churches will not permit Mormonism to receive the same recognition they have, if they can prevent it, is true.
C. E.

DEATHS.

GLOVER. — In Farmington, Davis County, Utah, at 9:45 p. m., March 31, 1892, of Bright's disease, William Glover, son of William and Catharine Owen Glover; born in Kilmarnock, Ayrshire, Scotland, August 19, 1813. He with his parents emigrated to America when a child. In 1842 he joined the Church of Jesus Christ of Latter-day Saints. With his wife and three children he went to California in 1845, with the Samuel Brannan company, in the ship "Brooklyn," and came to Salt Lake City in 1849. From 1852 to 1855 he performed an important and faithful mission to England. Since 1855 he has resided in Farmington. He is the father of twenty-seven children, seventy-three grandchildren and eleven great-grandchildren. He leaves three wives, eight sons and seven daughters, sixty-two grandchildren and 11 great-grandchildren. He was a faithful Church member, an affectionate husband and father, and was held in high esteem by all his acquaintances. The funeral was held in the Farmington meeting house on Saturday morning. The coffin was beautifully decorated with floral tributes, and the remains were followed to their last resting-place by a large concourse of relatives and friends.