

step that Gladstone could take would serve more effectually to postpone the outbreak than that now under discussion. His well known policy of peace has more than once emboldened countries disposed to aggressive movements to go dangerously near the limit of safety. With Gladstone's resignation the English government would at present be likely to be entrusted to the guidance of men determined to maintain the honor and dignity of the nation among its several competitors at land and sea, even at the cost of war. And whenever England sails out under a "firm foreign policy," her possible enemies will be cautious. Russia and France are strong nations, well equipped for war, but England, supported by the Triple Alliance, forms a more formidable power than either, or the two combined.

### INFORMATION WANTED.

A correspondent from Wasatch county, Utah, asks the following question:

Who was the first male child born in Utah after the arrival of the Pioneers in 1847, or who was the first woman to give birth to a son?

Whitney's History of Utah gives as the date of the birth of the first white child, August 9, 1847, two weeks and two days after the arrival of the Pioneers; but this child was a girl, daughter of John and Catharine Campbell Steele, both of the Mormon Battalion, who reached the valley in Captain Brown's company, July 29. The little lady was named Young Elizabeth Steele. The History gives no name of the first boy born, nor have we been able up to this time to ascertain to whom this distinction belongs.

A friend suggests that on the occasion of a Pioneer jubilee some years ago, a young man was introduced to the audience as the first white boy born in Utah. We have failed, however, to find any record of such event in the back files of the NEWS; and Andrew Jensen, who is a thorough searcher after historical facts, has also been unable to give us any information. He suggests that Hon. A. O. Smoot, of Provo, had a son born in the "Old Fort," Salt Lake City, November 23, 1847, and that this boy was perhaps the first. From other sources we hear this disputed. We are accordingly compelled to confess our inability to answer the question propounded; and this seems to be a fitting occasion to ask for any light on the subject that any reader of the NEWS may be in possession of.

### THE ESTRAY BILL.

Estray animals have been a perennial subject of contention in this Territory—among legislators when the Assembly was in session, and between farmers and stockraisers in the season of growing crops. For twenty years no law has been in force upon the subject any longer than was required to secure its modification or repeal, and probably no other cause has been more fruitful of neighborhood ill feeling than trespassing live stock. To forestall all trouble on ac-

count of damage done by trespassing animals, is beyond the power of the Legislature; but a good law on the subject would be a great help in that direction.

Heretofore, in dealing with this matter, the Utah Legislature has had one serious difficulty to contend with, viz., a provision of the act of Congress, passed in 1874, commonly called the Poland law, which prohibits the exercise in this Territory of any judicial function or authority, by any person or officer except the courts named in the act. The proceedings necessary to ascertain the facts and apply the remedy in a case of damage by trespassing animals, are judicial in their nature, and hence must be had before a judicial officer, properly the justice of the peace of the precinct, if the amount involved does not exceed his jurisdiction, which is seldom or never the case. For this reason, a law conferring upon any person or persons in the precinct, other than the justice of the peace, the power to determine the amount of damage, or to order the sale of the animals, would be unconstitutional. On this ground the courts have declared invalid one or more estrays laws which the Legislature has enacted.

At the present session of the Assembly, a bill has passed the House which seeks to avoid the constitutional objections referred to, and at the same time afford a simple, speedy and inexpensive method of accomplishing the ends of justice in cases of damage by estrays. Section 1 provides that the damaged person may keep and properly care for the trespassing animals for twenty-four hours, and that he must, meanwhile, diligently try to find the owner. This gives an opportunity for neighbors to effect an adjustment between themselves without further expense or official interference. But if such an adjustment is not made within twenty-four hours, the animals are to be delivered to the constable, who is made pound keeper. Should legal proceedings become necessary, within twenty-four hours after the damage has been done some disinterested voter of the precinct must appraise it, and furnish a certificate thereof. The form of this certificate is prescribed, and it must be filed with the justice of the peace of the precinct, and becomes the complaint in a civil action. The owner of the animals, known or unknown, is designated as the defendant, a summons is issued and proceedings are had as in other civil cases. In case judgment is rendered in favor of the plaintiff, it is evidently the intention that execution may be had on the animals, which are meanwhile held in the pound; but the bill contains no specific provision to that end, and the omission should be remedied or there may be a clash with the exemption law. If it is the intention to give the owner of the animals the benefit of the latter law, it should be so stated in terms.

The owner of the animals is allowed ninety days after the sale in which to redeem them, and three months longer in which to claim any surplus they may have been sold for in excess of damage, costs, etc. At the first meeting of the county court after the expiration

of six months from the sale, the justice must pay into the county treasury such surplus. The fees of the appraisers are fixed at twenty cents per mile, one way, and twenty cents per hour for time necessarily consumed in making the appraisal, to be recovered as costs. The fees of the constable, acting as such in serving the summons, etc., are the same as in other cases; but his fees as poundkeeper are not specified, which is an omission that ought to be remedied, in order to prevent disputes.

This bill is certainly an improvement on the present law, at least in its methods and intent. There are some omissions which should be supplied, and defects of language and construction which should be remedied. Section 2, for example, is long enough to fill nearly half a page of the session laws, and yet is a single sentence. It would make a common farmer dizzy to read that one long sentence and try to comprehend all the law embraced in it; though its meaning when the same is once within the mental grasp, may be unexceptionable. Sifted of its imperfections which may be easily remedied, this bill will probably prove as satisfactory as any the Legislature could prepare and pass. As explained in debate, it purports to be a fair compromise between the farmer and stock raiser.

### CUT DOWN THE FEES.

At an early stage of the present session of the Legislature, Councillor J. E. Booth gave out that he contemplated drawing a bill to revise the fees now being collected under the probate procedure law. He also intimated that he might include the district court fee list, and the perquisites of certain public officials. The gentleman should mature and introduce the bill without unnecessary delay. If he does not, the time required by the Assembly to consider and pass it will very likely be spent in maturing other legislation, not half as beneficial as such a law would be, and perhaps positively hurtful.

The recent publication of the particulars in the case of a taxpayer, whose tax was four cents, but who must now pay \$8.50 or lose his property, is sufficient proof of a change in the conditions which formerly justified the law because of the few tax sales and sparsely settled condition of the Territory. This change demands that a change be also made in the law, which under present circumstances operates as an outrage upon the people. Perhaps no complaint is oftener heard in the halls of justice in this Territory, than that of the widow and orphan, who cry out against the extortion of which they are made the victims, under the authority of the provisions of the probate practice act, which specify the fees that may be charged in the settlement of an estate. These fees must be paid in cash, and in order to raise it, a cow, a team, and often property of much greater value, sorely needed for their support by the widow and children of the dead husband and father, must be sacrificed.

The fee business is being immensely overdone, under a number of existing laws. Many items of costs connected