

AN ACT

Pertaining to damages done by Animals and defining a lawful fence.

Sec. 1.—Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That owners of horses, mules, cattle, hogs, sheep, goats, and other domestic animals, shall be held liable to pay all damages done by said animals upon the premises of other persons, whether said premises be protected by fence or not.

Sec. 2.—Upon petition of any public herdsman or of two-thirds of the settlers in any isolated region, in any county, setting forth that it is better adapted to grazing than to other agricultural purposes, if the County Court of such county so decide, then the first section of this act shall be inoperative within said specified region during such time as said court in their judgment may determine.

Sec. 3.—Any county or portion thereof, at a general or special election called for that purpose by the County Court, declare by vote of two-thirds of its legal voters in favor of fencing their farms, lots or yards, and allowing their stock to run at large or have so declared by vote. In such case, the first section of this act shall be inoperative, during any period decided upon by such vote: Provided, the stock owned in any such county or specified region thereof, shall be liable for all damages they may do to any crops growing in an adjoining county or part of a county that may not have declared by vote its exemption from the provisions of the first section of this act.

Sec. 4.—All fence four and a half feet high in good repair consisting of rails, poles, boards, stone or other suitable material and all fence of any description whatever, which shall, in the judgment of two or more fence viewers, be equal thereto, shall be deemed a lawful fence; and all animals breaking over or through such lawful fence, shall be held liable for all damages.

Sec. 5.—Any person or persons, who shall throw down fence or open bars or gates, into any enclosure other than their own, or into any other field owned by joint occupants, and leave the same open, shall be deemed guilty of trespass, and on conviction thereof shall be liable to the owners of trespassing stock for all damages thereby sustained, and may be fined in any sum not exceeding five dollars.

Sec. 6.—When two or more persons shall agree to fence in a joint enclosure or to build a division fence or fences, each party shall be required to build his portion of lawful fence, according to the amount of land enclosed, and keep the same in repair, and if either party shall neglect or refuse to do so, he shall be liable to the owners of trespassing stock, for all damages done in consequence of said neglect.

Sec. 7.—An act, entitled, "An act pertaining to damages done by animals," approved January 19, 1885, is hereby repealed.

Approved February 17, 1889.

AN ACT

Repealing "An Act regulating Estray Pounds and for other purposes," approved, January 17, 1886.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That section seven of "An Act in relation to Marks and Brands," approved Jan. 13th, 1886, be amended by inserting after the word "another" in the second line, the words "or who shall brand another person's animal without the owner's permission, or who shall, without such permission, alter, erase, and deface any brand recorded to another."

Approved Feb. 17, 1889.

AN ACT

To Amend an Act in relation to Marks and Brands.

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That section seven of "An Act in relation to Marks and Brands," approved Jan. 13th, 1886, be amended by inserting after the word "another" in the second line, the words "or who shall brand another person's animal without the owner's permission, or who shall, without such permission, alter, erase, and deface any brand recorded to another."

Approved Feb. 18, 1889.

THE INHABITED WORLDS.

In the whole sidereal system we see a series of suns resembling our own in all essential respects—many of them falling short of it, perhaps, in splendor, but many of them certainly surpassing it. And around these suns there circle worlds of every variety of magnitude, many of which, doubtless, form centres of systems as varied in character as are those of Jupiter, Saturn, Uranus, and Neptune. On these worlds, subside, we doubt not, myriads of forms of life, animal and vegetable. Thousands of these systems are probably utterly unfit for habitation by the races which subsist upon the earth or upon the other members of the solar system, and it is equally probable that the races subsisting in thousands of these systems would perish if subjected to the conditions prevailing in any part of the solar system. But on one point we may well rest assured: Whatever be the nature of the races subsisting in any of these worlds, and whatever be the peculiarities of the conditions to which they are subjected, the most perfect adaptation, undoubtedly exists between these unknown living creatures and the structure of the worlds on which they live. This lesson is taught by all that we see around us. If on our earth there were the most perfect uniformity in the conditions of habitability which prevail in different lands and seas, or if we could even detect no traces that in past ages the world had been less well adapted to support the races which at present subsist upon it, and that accordingly former terrestrial races differed from the present, yet, even then, the perfect adaptation of the limited number of races which we should know of to the conditions under which they lived would afford to the thoughtful mind the most striking evidence that this adaptation is a fundamental law of nature. But when we find that the most striking peculiarities distinguish the climate and habits of one country from those of another—that animals which thrive in one country would perish if removed to another, and yet that no part of the world remains uninhabited—and not only so, but that the creatures which live in each part of the world are adapted in the most perfect and wonderful manner to the circumstances in which they are placed, we are at once impressed with the universality of the law of adaptation.—Ed.

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