

usual when referring to the DESERET NEWS. We expressed no "joy" over the attempt of land speculators in relation to the so-called "Industrial Home," but, on the contrary, said:

"We have not endorsed either of these movements and do not think the present proposition a good one."

So much for the first falsehood clipped as above. As to the second, we have to say, "the thought behind the establishment of the Home" was two fold: To still further prejudice Congress and the country against the "Mormons" and induce further legislation to their injury, and to draw money from the United States treasury for expenditure in this city. The motives of its promoters were political and pecuniary.

It is entirely and wilfully false to state that "the power of a mighty organization," by which is meant the "Mormon" Church, has fought the institution referred to. The Church has paid no attention to it whatever. The DESERET NEWS has occasionally devoted some space to the villainous methods employed for the purpose of bleeding Uncle Sam in the interests of the "Home" speculation, and that is all.

The money obtained for this institution, which so far has been an utter failure, was gained by false pretences, by wilful lying, and by the manufacture and utterance of prurient and filthy stories which were proven to be without foundation in fact. All this we opposed at the time, and we regard it now as we did then as thoroughly shameful, indecent, dishonest and contemptible.

The institution itself needed no opposition, it was as near dead as possible when it was born, and has never had any strength or real vitality. The attempts made to galvanize it with some semblance of life have been ludicrous and pitiable, and the fact is becoming recognized that the whole thing is a humbug.

Indications of this recognition of the truth are to be seen in the attempts now being made to utilize it, for some government purpose likely to be permanent. We have not supported and do not endorse either of them, because we believe the motives of their promoters are nearly as sordid as those of the chief schemers for the "Home," although their methods are not to be classed with the indecent and wilfully untruthful doings of persons who appealed to Congress for money to build and carry on the useless concern now

sought to be turned into something of value.

The "Mormon" Church has never cared enough about the "Home" or its promoters to say anything about it or them, and all the DESERET NEWS has spoken on the subject, has been in refutation of the falsehoods of certain professedly pious schemers and in presentation of facts that are indisputable.

We do not expect the sheet which publishes the two misrepresentations at the head of this article to tell the truth about anything relative to us or the cause we sustain, but have hoped, once in a while, that it would become decent and prudent enough to cease giving to the public, as quotations from the DESERET NEWS, the very opposite of our language and sentiments.

### THE NEW ESTRAY LAW.

IN our present issue we published the estray law passed at the late session of the Legislature. As many of our readers are aware, the former statute upon the same subject had, by the courts, been declared invalid in several of its vital provisions, and the territory was virtually without legislation in regard to estrays and trespassing animals. There was urgent demand for a law upon the subject, and the Governor referred in his message to this great need. Early in the session a bill was introduced into and passed by the Council, intended to supply the want, but the House rejected it with the understanding that certain of its members would draw a better one. The matter was deferred until the last day of the session, when the bill which became the present law was introduced and passed.

The aim of this statute is in the direction of justice, and hence, to that extent, it is a commendable measure. What it is intended to accomplish ought to be done, and while we are reluctant to raise objections to a law the design of which is beneficent, we deem it proper to call attention to some provisions contained in this one which are of doubtful validity. We reproduce sections 2 and 3:

"Sec. 2. All horses, mules and neat cattle, regardless of age, except sucking calves and colts, found running at large, on which there is no brand, and all such animals branded, the owners of which, after reasonable search, cannot be found, and which have been running at large on any range in this Territory for one year or more, and any hogs running at large on the premises of any person not the owner, are hereby declared to be estrays."

"Sec. 3. It is hereby made the duty of the constable of any precinct to take up any estrays in said precinct and after advertising them (giving therein a general description) for ten days, he 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 sale with the justice of the peace, to be by him disposed of as in case of the sale of animals for damages, as hereinafter provided."

These two sections are of a very sweeping nature. They define what are estrays, and make it the duty of the constable to round up, advertise and sell, unless sooner claimed, all estrays in his precinct. If an animal has been running on the range for one year, and its owner, after reasonable search, cannot be found, it is an estray. How is it to be determined whether a given animal has run on the range one year? How is it to be ascertained that the owner cannot be found? Who is required to search for him? On whose, or on what showing is the conclusion to be reached that the facts exist which make an estray of any given animal? If those facts exist, the constable is, under section 3, derelict in his duty if he fails to take charge of and advertise the animal. If those facts do not exist he is guilty of a violation of law should he take charge of and sell an animal, supposing it to be an estray, and is liable for damages.

These questions of fact can be determined only by a judicial officer and a judicial proceeding. A constable is not a judicial officer, has no right to exercise judicial functions, nor pass upon questions of law and fact in a manner or proceeding involving the ownership of property. His doings in such a case would all be undone as soon as they were laid before a court of competent jurisdiction. The provisions of the Poland law are explicit as to what officers may exercise judicial powers. Constables are not included in those there named, and hence must be held to be excluded.

While it is true that there are, in many precincts of this Territory, large numbers of range animals that have no known owners, and while it is just and proper that such valuable property should be utilized, and not be allowed to live, die and go to waste unclaimed, yet to give a constable power to go out on the range and round up and sell all animals he may suppose to have been running there a year, and whose owners are unknown to him, would certainly create great commotion in stock raising districts. It is very common to allow calves and colts to