

the amount deposited to the credit of, and drawn from, each separate fund, and the executive committee shall furnish the treasurer with a statement of the several accounts to which funds are to be deposited. The executive committee shall recommend to the governor the amount of additional bond which should be required of the treasurer, and fix the amount, as nearly as may be, at one-half of the estimated income of the university for the two years succeeding his election.

XI.—ATTORNEY.

An attorney shall be appointed by the board or the executive committee, and he shall be the legal adviser of the university, and on request draw or furnish forms for contracts made for the university or any of its committees, with teachers, contractors and persons furnishing supplies, material or furniture or other things needed or required, and generally act as the counsel of the university, the board and its committees.

PROCEDURE UNDER THE NEW ESTRAY LAW.

WE are in receipt of the following communication, dated Payson, April 2, and signed "Anxious:"

"There are some few points in section 5 of the Estray Law passed by the late legislature, which are somewhat inadequate, as the law stands, for the object in view. I refer to the part defining the procedure to be followed by the owners of improved real property upon which stray animals may be found.

"In some of the country settlements fields are enclosed jointly by their owners, so that animals may sometimes be found by the property owner on the land joining his own but owned by another man. The question naturally arises as to whether the person finding such animal has the power to oblige his neighbor by driving them to an enclosure and keeping them there until the law can take its course. In some of these fields it has formerly been customary for a 'field committee' to be appointed, having power to act in behalf of the owners of the land in driving stray animals out of the field and detaining them until the owner can be found. Can this be done under the new law?

"Again, when this is done can the committee thus appointed make the complaint required by the law to be filed with the justice of the peace, in behalf of the person or persons upon whose land the animals have been found? Some contend, that if even a committee of the kind can be appointed it would be necessary for the land-owners to appear before a notary public and give the members of this committee a power of attorney to act by the authority of the joint owners. Would this be necessary?

"In most cases the farmer has room in his stable and corrals for his own animals alone, and if he should find a drove of some fifteen or twenty animals on his land (as is often the case) it would be an utter impossibility for them to take care of them one hour, to say nothing of forty-eight.

In this case would it be permissible for him to hire another person to take care of the animals for the time specified? It is sometimes found convenient for all the owners of a joint enclosure to club together in building a

corral, where all the animals found doing damage may be kept and properly cared for until the process required by law has been taken through. Would this be allowable under the new law?

"The trouble and expense involved in driving stray animals out of the fields, hunting the owners, etc., may come quite heavily upon the property owner. Section 7 provides for the collection of damages, expenses of keeping and caring for animals, costs of court, etc., but would the time, trouble and expense incurred in driving the animals, seeking the owners, etc., be included in this?

"It is not so much the money involved in these transactions about which the farmers are exercised, but they desire the law so interpreted and enforced as to guard as fully as possible against the impositions so freely practiced upon them by the owners of animals, many of which are allowed to run about without let or hindrance. These are vital points, and if the law cannot be interpreted so as to cover them, it is practically of no value to the farming class.

"I should like you to explain the points involved at as early a date as possible, as the farmers are perfectly helpless under the depredations of stock, not knowing what method of procedure to follow."

One man has no right to distrain animals which he may see doing damage upon land belonging to another, unless authorized by the damaged person to do so. In the latter case the former acts as the agent of the injured person, which he may lawfully do. Owners of lands embraced in one general enclosure may authorize one of their number, or any other person, to distrain trespassing animals found within that enclosure. Such action would have to be taken in behalf of, or in the name of, the particular owner upon whose land damage was known to be done; or if the same animals did damage upon the lands of more than one owner, at substantially the same time, the proceedings might be had in the name and behalf of all the owners damaged, who might unite as plaintiffs in case the matter went before the justice of the peace.

The person or persons actually damaged ought to appear on the record as the plaintiff or plaintiffs, should the matter go into court. To undertake to prosecute such a case by making an agent plaintiff would be likely to lead to entanglements which few country justices of the peace would be able to solve.

It is not necessary that the damaged land owner should have personal knowledge of all the facts relating to the injury he has suffered in order to make the complaint and swear to it as required by law; but he may set forth in his complaint what he understands to be the facts, and swear to them on in-

formation and belief. If he makes a complaint on information and belief the usual clause to that effect should be included.

In order for a land owner to authorize another person to distrain animals found trespassing on his land, it is not necessary to give a power of attorney nor any writing whatever. A verbal request or instruction is sufficient. Thus a farmer may verbally request or instruct his hired man to distrain any animals the latter may see doing damage on the land of the former, and such verbal request or instruction is all the authority a hired man, or a neighbor, would need. The animals may be detained on the premises of the person damaged, or in such other place as he may arrange for in the neighborhood. Thus one neighbor may, when so requested, take charge of distrained animals for another, should the latter have no facilities for keeping them. The reasonable charges for feeding and caring for the animals would become a part of the damages to be collected.

The damaged person would, in short, be justified in making any reasonable arrangement for having trespassing animals cared for. If unable to do this himself, he could hire it done; but only reasonable charges therefor should be allowed by the court. All loss of property suffered, and all reasonable expense incurred by the injured person in corralling and caring for the trespassing animals, notifying the owner, etc., are included in the damages which he is entitled to recover.

The distrainer may have to keep the animals not only forty-eight hours, but several days. He retains them until his damages are paid, or until the animals are ordered sold by the court.

AN exhibition of toys is about to be opened in St. Petersburg. It is intended to illustrate the history of toys from the earliest ages. Particular attention is to be given to Asiatic toys, which are said to be marvels of taste and fine workmanship.

Two Englishmen have just reached London who have made the trip around Europe on foot. Starting from Calais they walked through France, Spain, Portugal, back to Italy, passing by Trieste, Vienna, Cracow, Moscow, St. Petersburg and Riga, whence they embarked for Stockholm. They went over Norway and Sweden and returned to Calais by way of Holland and Ostende.