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The State of Deseret



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EDITORIAL CONTRIBUTIONS

The Society was organized essentially to collect, disseminate and preserve important material pertaining to the history of the State. To effect this end, contributions of manuscripts are solicited, such as old diaries, journals, letters and other writings of the pioneers; also original manuscripts by present day writers on any phase of early Utah history. Treasured papers or manuscripts may be printed in faithful detail in the Quarterly, without harm to them, and without permanently removing them from their possessors. Contributions for the consideration of the Editorial Board, and correspondence relating thereto, should be addressed to the Secretary, Utah State Historical Society, State Capitol, Salt Lake City, Utah.

CONSTITUTION
OF THE
STATE OF DESERET

PREAMBLE

Whereas a large number of Citizens of the United States, before and since the Treaty of Peace with the Republic of Mexico, emigrated to, and settled in that portion of the Territory of the United States, lying west of the Rocky Mountains, and in the Great Interior Basin of Upper California; and

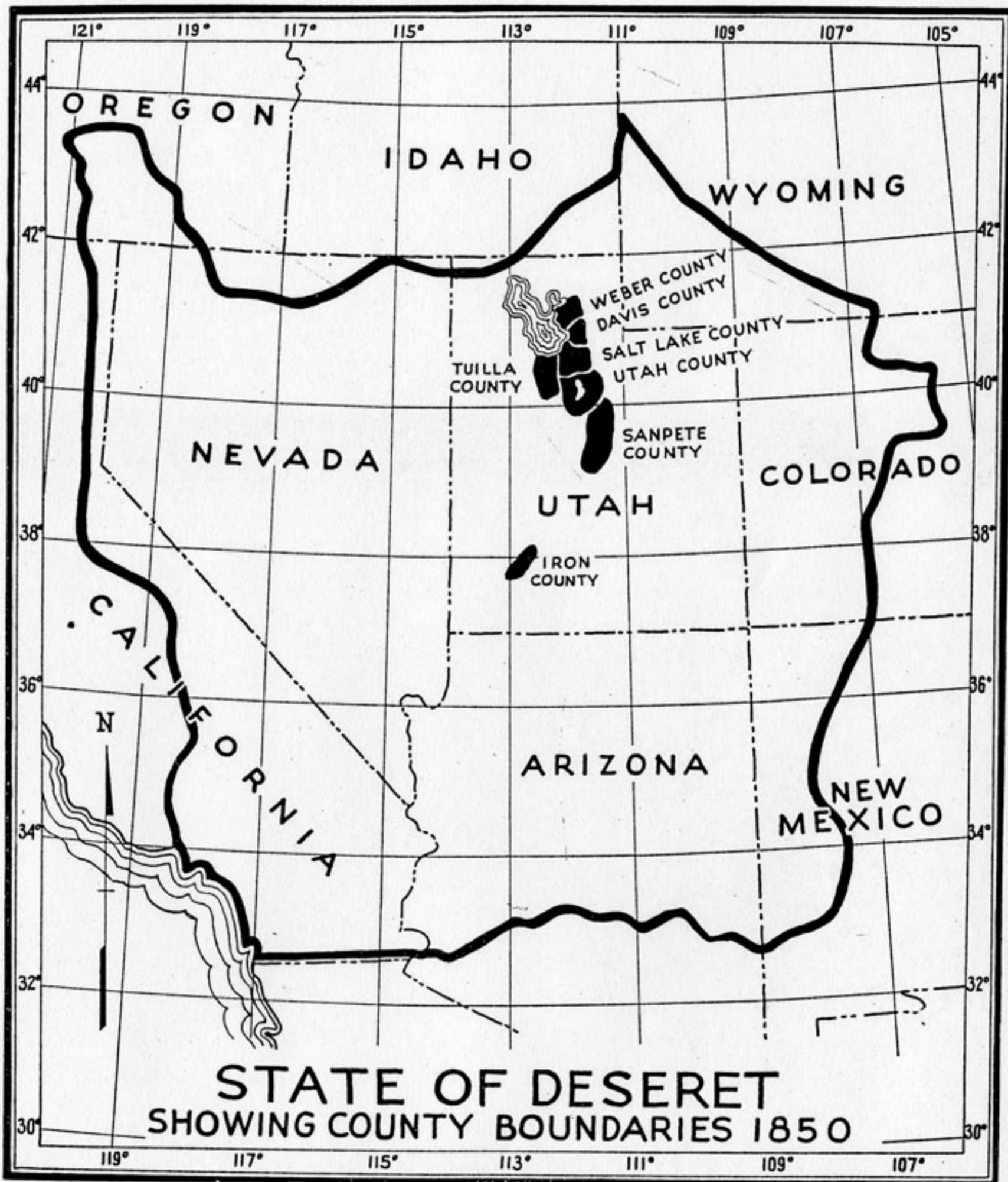
Whereas, by reason of said treaty, all civil organization, originating from the Republic of Mexico became abrogated; and

Whereas, the Congress of the United States has failed to provide a form of Civil Government for the Territory so acquired, or any portion thereof; and

Whereas, Civil Government and Laws are necessary, for the security, peace and prosperity of Society; and

Whereas, it is a fundamental principle in all Republican Governments, that all political power is inherent in the People; and Governments instituted for their protection, security and benefit, should emanate from the same:

Therefore, your Committee beg leave to recommend the adoption of the following CONSTITUTION, until the Congress of the United States shall otherwise provide for the Government of the Territory hereinafter named and described, by admitting us into the Union. WE THE PEOPLE, Grateful to the SUPREME BEING for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of these blessings, DO ORDAIN, AND ESTABLISH A FREE AND INDEPENDENT GOVERNMENT, by the name of the STATE OF DESERET; including all the Territory of the United States, within the following boundaries, to wit: Commencing at 33°, North Latitude where it crosses the 108°, Longitude, west of Greenwich; thence running South and West to the Northern boundary of Mexico, thence West to, and down the Main Channel of the Gila River, (or the Northern line of Mexico,) and on the Northern boundary of Lower California to the Pacific Ocean; thence along the Coast North Westerly to the 118°, 30' of west Longitude; Thence North to where said line intersects the dividing ridge of the Sierra Nevada Mountains; Thence North along the Summit of the Sierra Nevada Mountains to the dividing range of the Mountains, that separate the Waters flowing into the Columbia River, from the Waters running into the Great Basin; thence Easterly along the dividing range of Mountains that separate said waters flowing into the Columbia



Counties existing in Deseret at the end of 1850 are blacked in on the map. The first counties were restricted to inhabited valleys. Iron County between January and December 1850 was called Little Salt Lake County. Davis County was created in October, 1850, out of Weber and Great Salt Lake Counties; the latter originally extended almost to the northern Davis County boundary.

river on the North, from the waters flowing into the Great Basin on the South, to the summit of the Wind River chain of mountains; thence South East and South by the dividing range of Mountains that separate the waters flowing into the Gulf of Mexico, from the waters flowing into the Gulf of California, to the place of BEGINNING; as set forth in a map drawn by Charles Preuss, and published by order of the Senate of the United States, in 1848.

ARTICLE 1

The powers of Government of the State of Deseret shall be divided into three distinct departments; Viz, Legislative, Executive, and Judiciary.

ARTICLE 2. OF THE LEGISLATIVE

Sec. 1. The Legislative authority of this State, shall be vested in a General Assembly, consisting of a Senate and House of Representatives; both to be elected by the people.

Sec. 2. The session of the General Assembly, shall be annual; and the first Session be held on the first Monday of July next; and thereafter, on the first Monday of December; unless the Governor of the State shall convene the Assembly, in the interim, by Proclamation.

Sec. 3. The members of the House of Representatives shall be chosen biennially, by the qualified Electors of their respective Districts, on the 1st Monday in August; whose term of office shall continue two years from the day of the General Election.

Sec. 4. No person shall be a member of the House of Representatives, who has not attained the age of 25 years; the same to be a free, white, male Citizen of the United States, and an Inhabitant of this State, one year preceding the time of his Election, and a resident of the District or County 30 days next preceding his Election; and have at his Election, an actual residence in the District he may be chosen to represent.

Sec. 5. Senators shall be chosen for the term of four years, at the same time and place of Representatives; they shall be thirty years of age, and possess the qualifications of Representatives, as to residence and Citizenship.

Sec. 6. The number of Senators shall not be less than one third, nor more than one half of the Representatives; and, at the first session of the General Assembly, after this Constitution takes effect, the Senate shall be divided by lot, as equally as may be, into two classes; the Seats of the Senators of the first class, shall be vacated at the expiration of two years, so that one half of the Senate shall be elected biennially.

Sec. 7. Each house shall choose its own officers; and judge of the qualification, election, and return of its own members; and

contested elections shall be determined in such manner as shall hereafter be directed by law.

Sec. 8. A majority, in each house, shall constitute a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner, and under such penalty, as each house may provide.

Sec. 9. Each house shall have all powers necessary for a Branch of the General Assembly, of a free and independent Government.

Sec. 10. Each member of the Assembly shall be privileged from civil arrest, during any Session, and in going to, and returning from the same.

Sec. 11. Neither house shall, without the consent of the other, adjourn for more than three days; nor to any other place, than that in which they may be sitting.

Sec. 12. The Assembly shall, at its first Session, provide for an enumeration of the white Inhabitants, and an apportionment for the Senators and Representatives.

Sec. 13. Each member of the Assembly shall take an oath or affirmation to support the Constitution of the United States, and of this State; and members shall, and are hereby empowered to administer said oath, or affirmation, to each other.

Sec. 14. The Veto power of the Governor, shall be allowed by the Assembly, except on bills, which, when reconsidered, shall be again passed by a majority of two thirds of those present; and any bill vetoed by the Governor, shall be returned within ten days, (Sundays excepted,) with his objections; otherwise it shall become a law; unless the Assembly, by adjournment, prevent its return.

Sec. 15. Every law passed by the Assembly, shall take effect from and after due publication by Authority.

Sec. 16. The voters of this State, may elect, at the first Election, not exceeding 17 Senators, and 35 Representatives.

ARTICLE 3. OF THE EXECUTIVE

Sec. 1. The Executive power shall be vested in a Governor, who shall hold his office for four years. A Lieutenant Governor shall be elected at the same time, and for the same term, who shall be the President of the Senate.

Sec. 2. No person shall be eligible to the office of Governor, or Lieutenant Governor, who has not been a Citizen of the United States and a resident of this State, two years next preceding his Election, and attained the age of 35 years, at the time of his Election.

Sec. 3. The Governor shall be Commander in Chief of the Militia, Navy, and all the Armies of this State.

Sec. 4. He shall transact all Executive business with the Officers of Government, Civil and Military; and may require infor-

mation in writing from the officers of the Executive Department, upon any subject relating to the duties of their respective offices.

Sec. 5. He shall see that the laws are faithfully executed.

Sec. 6. When any office shall, from any cause, become vacant, and no mode is prescribed by the Constitution and laws for filling such vacancy, the Governor shall have power to fill such vacancy, by granting a commission, which shall expire, when such vacancy shall be filled by due course of Law.

Sec. 7. He shall also have power, to convene the General Assembly, by Proclamation, when in his opinion the interests of the State require it.

Sec. 8. He shall communicate by Message to the General Assembly, at every Session, the Condition of the State; and recommend such matters as he shall deem expedient.

Sec. 9. In case of disagreement in the General Assembly, with regard to the time of adjournment, the Governor shall have power to dissolve the Session by proclamation.

Sec. 10. No Person shall, while holding any lucrative office under the United States, or this State, execute the office of Governor, except as shall be prescribed by law.

Sec. 11. The Governor shall have power to grant reprieves and pardons, and commute punishments after conviction; except in cases of impeachment.

Sec. 12. The Governor shall receive, for his services, such compensation as shall hereafter be provided by law.

Sec. 13. There shall be a Seal of this State, which shall be kept by the Governor, and used by him officially; and shall be called GREAT SEAL OF THE STATE OF DESERET.

Sec. 14. All grants and commissions shall be in the name and by the authority of the people of the State of Deseret; sealed with the GREAT SEAL of this State, signed by the Governor, and countersigned by the Secretary of State.

Sec. 15. A Secretary of State, Treasurer, and Auditor of Public accounts, shall be elected by the qualified Electors, who shall continue in office for the term of four years.

The Secretary of State shall keep a fair Registry of all the official acts of the Governor, and shall when required, lay the same, together with all papers, minutes, and vouchers, relative thereto, before either branch of the General Assembly, and shall perform such other duties as shall be assigned him by law.

Sec. 16. In case of Impeachment of the Governor, his removal from office, death, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor, until such disability shall cease, or the vacancy be filled.

ARTICLE 4. OF THE JUDICIARY

Sec. 1. The Judicial power shall be vested in a Supreme Court, and such Inferior Courts, as the General Assembly shall from time to time establish.

Sec. 2. The Supreme Court shall consist of a Chief Justice, and two Associates, either two of whom shall be a Quorum to hold Courts.

Sec. 3. The Judges of the Supreme Court shall be elected by joint vote of both houses of the General Assembly, and shall hold their Courts at such time and place as the General Assembly shall direct; and hold their office for the term of four years, and until their successors are elected and qualified. The Judges of the Supreme Court, shall be Conservators of the peace throughout the State, and shall exercise such other Jurisdiction and appellate powers, as shall be prescribed by law.

Sec. 4. The style of all process shall be, the STATE OF DESERET, and all prosecutions shall be in the name, and by the authority of the State.

ARTICLE 5. OF ELECTIONS

Sec. 1. The Governor, Lieutenant Governor, Secretary of State, Treasurer, and Auditor of Accounts, shall be elected by the qualified Electors, as provided for members of the General Assembly, and at the time and place appointed for holding the same.

Sec. 2. The returns of every Election for Governor, Lieutenant Governor, Secretary of State, Treasurer and Auditor, shall be sealed up, & transmitted forthwith to the seat of Government, directed to the Speaker of the House of Representatives; who shall, during the first week of the Session, open and publish them in the presence of both Houses of the General Assembly; and the persons, receiving a majority of all the legal votes cast for their respective offices, shall be declared duly elected.

Sec. 3. The Governor, Lieutenant Governor, Secretary of State, Treasurer, and Auditor, shall, before entering upon the duties of their respective offices, take an oath or affirmation, to support the Constitution of the United States, and of this State; which oath or affirmation, shall be administered by the Speaker of the House of Representatives.

Sec. 4. The first Election for members of the General Assembly, and other officers under this Constitution, shall be held on the first Monday of May next, at the usual places of holding public meetings, in the different Districts and Settlements; at which time and place, the qualified voters shall vote for, or against the adoption of this Constitution; and, if a majority of all the legal votes, shall be in favor of its adoption, the same shall take effect from and after said Election.

Sec. 5. At the time and place of holding the Elections, the qualified Electors shall organize the Polls by appointing two Judges, who shall be authorized to qualify each other, and appoint two suitable persons, as Clerks; and said Judges shall, at the close of said Election, seal up the number of votes so cast, and forthwith transmit them to the President of this Convention.

Sec. 6. The returns of the first Election, herein provided for, shall be made to the Chairman of this Convention; who, together with the two Secretaries, shall proceed immediately to open said returns, and count the votes; upon ascertaining the persons receiving a majority of votes, they shall forthwith notify them of their Election.

Sec. 7. The General Assembly shall, at its first Session, provide by law, a general system of Election for officers, under this Constitution; and such other officers as may be hereafter created by law.

Sec. 8. The manner of Voting shall be by ballot.

Sec. 9. The General Assembly shall meet at Great Salt Lake City; which place shall be the seat of Government, until otherwise provided by law.

Section 10. All white male residents of this State, over the age of 21 years, shall have the privilege of voting at the first Election, and adoption of this Constitution; PROVIDED, that no person in the Military, Naval or Marine service of the United States shall be considered a resident of this State, by being stationed in any Garrison, Barrack, Military, or Naval place, or Station within this State; unless otherwise provided for by law.

ARTICLE 6. OF MILITIA

Sec. 1. The Militia of this State shall be composed of all able bodied, white male Citizens, between the ages of 18 & 45 years, except such as are, or may hereafter be exempt, by the Laws of the United States, or of this State; and shall be armed, equipped, and trained, as the General Assembly may provide by Law.

Sec. 2. All Commissioned officers of the Militia, (Staff officers excepted,) shall be elected by the persons liable to perform Military duty; and all Commissioned officers shall be commissioned by the Governor.

ARTICLE 7. AMENDMENTS OF THE CONSTITUTION

Sec. 1. If at any time the General Assembly shall deem it necessary; and for the best interest of the State, that this Constitution should be revised, altered, or amended; the Assembly shall cause such revisions, alterations, or amendments, to be published, in the same manner as shall be provided for the publication of the Statutes; and appoint a day, not less than thirty days thereafter, for

the Electors of the Commonwealth to assemble in their several precincts, and vote for, or against said revisions, alterations, or amendments; and if a majority of said Electors shall vote in favor of said revisions, alterations, or amendments, the same shall thereafter become parts, and parcels of this Constitution: Otherwise, this Constitution shall remain unaltered.

ARTICLE 8. DECLARATION OF RIGHTS

Sec. 1. In Republican Governments, all men should be born equally free and independent, and possess certain natural, essential, and inalienable rights; among which, are those of enjoying and defending their Life and Liberty; acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness.

Sec. 2. All Political power is inherent in the people; and all free Governments are founded in their authority, and instituted for their benefit; Therefore, they have an inalienable and indefeasible right to institute Government; and to alter, reform, and totally change the same, when their safety, happiness, and the public good shall require it.

Sec. 3. All men shall have a natural and inalienable right to worship God, according to the dictates of their own consciences; and the General Assembly shall make no law respecting an establishment of Religion, or of prohibiting the free exercise thereof, or disturb any person in his religious worship or sentiments; provided he does not disturb the public peace, nor obstruct others in their religious worship: and all persons, demeaning themselves peaceably, as good members of the State, shall be equally under the protection of the laws; and no subordination or preference of any one sect or denomination to another, shall ever be established by law; nor shall any religious test be ever required for any office of trust under this State.

Sec. 4. Any Citizen of this State, who may hereafter be engaged, either directly or indirectly, in a duel, either as principal, or accessory before the fact, shall be disqualified from holding any office under the Constitution, and laws of this State.

Sec. 5. Every person may speak, write, and publish his sentiments, on all subjects, being responsible for the abuse of that right: and no law shall be passed to abridge the liberty of speech or of the Press.

Sec. 6. The people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures.

Sec. 7. The right of trial by Jury shall remain inviolate; and all criminals shall be heard by self, or counsel, at their own election.

Sec. 8. All penalties and punishments shall be in proportion to

the offense; and all offenses before conviction, shall beailable; except capital offenses, where the proof is evident, or the presumption great.

Sec. 9. The writ of Habeas Corpus shall not be suspended, unless in case of rebellion, or invasion, or the public safety shall require it.

Sec. 10. Treason against this State, shall consist only in levying war against it, or adhering to its enemies, or giving them aid and comfort.

Sec. 11. The General Assembly shall pass no bill of attainder, or Ex Post Facto law, or law impairing the obligation of contracts to hinder the execution of Justice.

Sec. 12. The laws shall not be suspended, but by the Legislative, or Executive authority.

Sec. 13. The right of petition, by the people, shall be preserved inviolate.

Sec. 14. The right of Citizens, to keep and bear arms, for common defense, shall not be questioned.

Sec. 15. Private property shall not be taken for public use, without just compensation.

Sec. 16. No standing army shall be kept up, in time of peace; and the Military shall at all times, and in all places, be in strict subordination to the Civil power.

Sec. 17. The enumeration of certain rights shall, not be construed to impair, nor deny others, retained by the People.

ORDINANCE REGULATING ELECTIONS

*Passed by the General Assembly, November 12. 1849**

Sec. 1. Be it Ordained by the General Assembly of the State of Deseret, That on the first Monday of August, in the year of our Lord one thousand eight hundred and fifty three, and every four years thereafter, (unless changed by Amendments of the Constitution) there shall be an Election in each Precinct in this State, for the Election of Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor of Public Accounts, and all other State officers which have been, or may be created by law, whose term of office, shall be four years, and whose election is not otherwise provided for by law.

Sec. 2. On the first Monday of August A. D. one thousand eight hundred and fifty one; and every two years thereafter, there shall be Elections held, as aforesaid, for the Election of Representatives, Senators, and one Associate Justice of the County Court, in those Districts, or Counties, where the term of those elected has expired.

*See text, note 73.

Sec. 3. On the first Monday of August, one thousand eight hundred and fifty one, and every two years thereafter; there shall be an Election in each Precinct of this State, for Justices of the Peace, Constables, and such other Precinct or County officers, as may become necessary to elect, as may be prescribed by law.

Sec. 4. Every Precinct shall compose an Electoral District, and the County Judges of each County shall name a house, or place in each Precinct, where the Election shall be held; and appoint three Judges of said Election.

Sec. 5. The Electors of every Precinct, have the right to appoint Judges, and regulate their own Election; if not otherwise provided for.

Sec. 6. It shall be the duty of the Clerks of County Courts respectively, one month before each General Election, or six days before each special election, to make out and deliver to the Sheriff of their respective Counties, one Blank Poll Book; at the expense of the County, for each precinct in his County; properly ruled and laid off into Columns, with the necessary Certificates attached, which Books the Sheriff shall faithfully deliver, or cause to be delivered to the Judges of the Election, in their respective Precincts.

Sec. 7. The Judges before they enter upon their duties shall take the following oath or affirmation:—I—do swear or affirm (as the case may be) that I will faithfully, and impartially discharge, the duties of Judge of the present Election, according to Justice, and the best of my abilities; which oath or affirmation shall be administered by a Justice of the Peace, if present; if not, they are authorized to qualify each other.

Sec. 8. The Judges shall appoint a Clerk, who, before entering upon the duties of his appointment, shall take an oath or affirmation, which may be administered by either of the Judges of Election, that he will faithfully discharge the duties of his appointment to the best of his abilities, record the names of all the voters, and distinctly carry out in lines or columns the number of each voter.

Sec. 9. The time for opening, and closing the Polls, shall be between the hours of six o'clock in the morning, and nine o'clock in the evening, and one of the Judges shall cry in an audible voice the name of each voter as given in.

Sec. 10. The votes given at all Elections shall be by Ballot, and each voter shall give his vote by single ballot in a public manner, which shall be a paper ticket, on which shall be written or printed the names of the several candidates; in connection with the office, that the voter intends that each shall fill.

Sec. 11. When any person offers to vote in a Precinct of which he is not a resident, for State or County officers; if he possess the necessary qualifications of a voter; he may vote on taking

an oath or affirmation that he has not voted, and will not vote, in any other Precinct during the pending Election.

Sec. 12. The Judges of Election shall preserve good order; and may punish any disorderly person, for contempt, by fine, not exceeding one hundred dollars, at their discretion.

Sec. 13. The Judges shall decide on the legality of all voters; and no person that is a candidate for any office then pending in this State, shall sit as Judge, or act as Clerk, of such Election.

Sec. 14. At the closing of the Polls on the day of Election, the Judges shall in a public manner count off the number of Ballots polled, and call off distinctly the names of the several candidates on each Ballot; numbering them on the back, as counted, from one and upwards, and string the same on a twine, and needle; and the Clerk shall carefully mark down the number of votes given for each candidate as called off by the Judge.

Sec. 15. At the close of each Election, the Judges shall certify under their own hands, the number of votes given for each candidate, which shall be attested by the Clerk, who shall transmit the same, together with the Poll Book, to the Clerk of the County Court, in which the Election was held, within five days thereafter; and the Judges shall retain a true copy thereof, together with the Ballots, free to the inspection of all voters.

Sec. 16. The Clerks of the County Courts, shall within ten days after the close of each Election respectively take to his assistance two Justices of the Peace of his County, or two Judges of the County Court, and in a public manner examine and cast up the votes given to each candidate, and give to those having the highest number of votes, each a certificate of his election.

Sec. 17. The Clerks of the several Counties to whom a transcript of the votes in any Election is directed, shall within three days after the time limited for the examination of the Polls, cause to be conveyed to the seat of Government, addressed to the Secretary of State, a fair abstract of all the legal votes polled in their respective Counties, for State officers at such Election.

Sec. 18. Within twenty days after each General Election, or sooner if the returns have all been duly made, the Secretary of State shall, in the presence of the Governor, cast up the votes given in the several Counties in this State, for State officers, and shall give to those having the highest number of votes, certificates of their Election, under his own hand, with the Seal of the State affixed thereto.

Sec. 19. Should any two, or more candidates have an equal number of votes, the Secretary of State, with the assistance of the Lieutenant Governor, shall cast lots in the presence of the Governor, to decide which of the candidates shall fill the office.

Sec. 20. In all Elections of County officers, when there shall

be a tie given; the County Clerk and Judges, shall prepare and cast lots, and decide which of the candidates shall fill the office.

Sec. 21. When the Election of any County or Precinct officer, is contested by two or more candidates; it shall be the duty of the County Court to decide between them; and give him, in whose favor they decide, a certificate of his Election.

Sec. 22. Whenever a vacancy in any office shall occur, and a special Election shall become necessary, the Sheriff shall, ten days previous to the same, put up advertisements at three of the most public places in each Precinct in his County, stating the time and place of holding such Elections, unless otherwise directed in the writ of Election.

Sec. 23. All contested Elections for Governor, Lieutenant Governor, Secretary of State, Treasurer, and Auditor of Public Accounts, shall be decided by a joint vote of both Houses of the General Assembly, in the Hall of the House of Representatives, the President of the Senate presiding.

Sec. 24. If any person contest the Election of Governor, Lieutenant Governor, Secretary of State, Treasurer, or Auditor of Public Accounts, he shall present a petition to each House of the General Assembly setting forth the points on which he will contest the same, and the facts which he will prove in support of those points, praying for leave to produce his proofs, whereupon a vote shall be taken in each House, Yeas, and Nays, whether leave shall be granted, and if a majority of all the members of both Houses be in favor of the petitioner, they shall appoint a Joint Committee to take the testimony on the part of the petitioner, with power to send for persons and papers as witnesses, to meet at such time and place as they shall direct; and they shall notify the opposite party thereof, and of the points to be adduced, that he may attend with his witnesses: and said Committee, after taking the depositions of both parties, shall report the same to both Houses, and a day shall be fixed by a joint resolution for the meeting of both Houses to decide upon the same; on which decision, the Yeas, and Nays, shall be taken by the Clerks of both Houses, and entered upon their Journals.

Sec. 25. If any Judge or Clerk of any Election, or any officer acting in any wise pertaining thereto, after they have undertaken to perform the duties pointed out in this Ordinance, fail so to do; (unless prevented by sickness, inability, or unavoidable circumstances,) he shall be subject to a fine and punishment, at the discretion of the County Court, having Jurisdiction.

Sec. 26. All State, County, or Precinct offices that have been, or may be hereafter created, until the General Election Law of the State takes effect and not otherwise provided for by law, shall be filled by Executive appointment.

Approved November 20, 1849.

AN ORDINANCE REGULATING THE MILITIA
OF THE STATE OF DESERET

*Passed by the General Assembly December 8, 1849.**

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, That it shall be the duty of every able bodied white male Citizen, of this State; between the ages of Eighteen and Forty five years, (except such as may be exempt by law,) to perform military duty.

Sec. 2. It shall be the duty of each non-commissioned officer and private, to keep and preserve in good order and repair, one good rifle, musket, or yauger gun, with all necessary accoutrements; and not less than forty eight rounds of ammunition, suitable for his firelock.

Sec. 3. All horse companies, shall furnish themselves with good and sufficient horses, and all necessary accoutrements, and in addition to other arms, one pair of holster pistols, with ammunition and accoutrements as aforesaid; and shall keep and preserve the same in good order and repair.

Sec. 4. There shall be a muster and inspection of arms, of each company, as often as once in two months; commencing on the last Saturday of March next, a report of the condition of which, together with the amount of ammunition &c. shall be returned to the commander of their respective regiments within ten days thereafter.

Sec. 5. There shall be a drill of all commissioned and non-commissioned officers, of each Regiment, on the Saturday previous to each company muster. A Report of which, together with a consolidated report, of Company musters shall be returned to the Adjutant General's office, on or before the first day of November annually, and oftener if required by the Major General.

Sec. 6. There shall be a General Muster of each Regiment once in each year, which shall continue three days in succession, performing Camp duty, the Commanding officer of each Regiment fixing the time, of holding the same.

Sec. 7. Any musician, non-commissioned officer, or private (Orderly sergeant excepted) failing to attend any muster, and not remaining at the same for the time appointed, and not having his arms, accoutrements, and ammunition, as herein provided, for an inspection of the same, shall be liable to forfeit and pay, not exceeding the sum of five dollars; at the discretion of the Court.

Sec. 8. All commissioned company officers and orderly sergeants shall forfeit and pay not exceeding the sum of ten dollars for the like offense.

Sec. 9. All Regimental officers, either field or staff, for each

*See text, note 75.

offense of like nature, shall forfeit and pay, not exceeding the sum of twenty dollars.

Sec. 10. All persons, shall when on duty be subject to the orders, of their superior officer; and for any disobedience of orders, disrespect, or insult, shall be subject to arrest, punishment, or fine, at the discretion of the commanding officer.

Sec. 11. All officers shall deport themselves in a civil, courteous and orderly manner, towards each other, and towards the men under their command.

Sec. 12. All persons performing military duty, and keeping constantly on hand the arms, ammunition, accoutrements and animals as herein provided; all such property so kept, constantly on hand, shall be not liable to execution or taxation.

Sec. 13. All fines, forfeitures, and penalties, accruing as herein contemplated, may be collected before any magistrate or Court having Jurisdiction; and it shall be the duty of Orderly Sergeants in Companies; Adjutants, in Regiments; Brigade Inspectors, in Brigades; and Adjutant Generals, in Divisions; to prosecute all delinquents, and collect all fines and forfeitures, assessed in their respective commands, and pay over into the public Treasury, all sums so collected.

Sec. 14. Musicians shall provide themselves with good instruments, suitable to the service they have to perform, and keep and preserve the same in good order and repair; and attend all musters and drills; and all commissioned officers shall be armed with sword, or hanger, and when mounted, with holsters and pistols, with ammunition, and all necessary accoutrements.

Sec. 15. It shall be the duty of all officers ordering a muster or drill, to specify in his orders, the nature of the service to be performed, and give directions in relation thereto, and notices to all under their command, shall be read to them, or left in writing, at their last usual place of abode, by the proper notifying officer, who shall make due return thereof, stating on the back of said orders, the manner how he has executed the same, on or before the day of parade.

Sec. 16. The commanding officer of the Mounted Rangers is hereby required to increase his company to one hundred good and efficient men to act as minute men; to preserve the peace, and repel Indian depredations.

Sec. 17. The commander of this force is hereby authorized to call upon the Quarter Master for camp equipage, baggage wagons, and animals, necessary to carry the same; and upon the Commissary for supplies, when necessary, whose duty it shall be to furnish the same, at the expense of the State.

Sec. 18. There shall be one company of footmen, not less than one hundred good and efficient men, armed with muskets and cannon, at the public expense, to act as minute men, who shall be

provided for in the same manner, as herein provided for the Mounted Rangers.

Sec. 19. In consideration of the minute men holding themselves in readiness to go at the earliest warning, they shall be entitled to a reasonable compensation, when in actual service at the expense of the State.

Approved December 10. 1849.

AN ORDINANCE TO PROVIDE FOR THE ORGANIZATION OF THE JUDICIARY OF THE STATE OF DESERET

Passed January 9, 1850.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that a Supreme Court shall be organized, to consist of one Chief Justice, and two Associate Justices, either two of whom shall form a quorum to do business.

Sec. 2. The Justices shall be elected by the joint vote of both Houses of the General Assembly; and shall take an oath or affirmation to support the Constitution of the United States, and of this State, and faithfully and impartially perform and discharge the duties of their office, according to the best of their powers and abilities, and each file a bond in the office of the Secretary of State, conditioned for the faithful and impartial performance of the duties of said office, with good and approved securities, in a sum of not less than one thousand dollars, and not exceeding ten thousand dollars, at the discretion of the Secretary of State, which bond may be increased whenever he shall deem it necessary.

Sec. 3. These Judges shall hold their office for the term of four years, and until their successors are elected and qualified, and whenever a vacancy shall occur, by death, resignation, or removal from the limits of the State, or otherwise, the Executive shall have power to fill such vacancy by appointment; and the person so appointed shall have full power, after filing a bond and taking the oath of office as aforesaid, to act as a Justice of the Supreme Court, until the next meeting of the General Assembly, when said vacancy shall be filled, as provided for in the second section of this Ordinance.

Sec. 4. They shall have appellate jurisdiction in all cases of Law and Equity which may have been tried by the Inferior Courts, and have original jurisdiction over all civil cases where the sum in dispute shall exceed one thousand dollars, (provided the Clerk of said Court shall not enter upon his docket, any civil suit by appeal or otherwise, without first receiving a docket fee of twenty dollars, which sum shall be paid into the Public Treasury,) and in cases where the officers of the State are accused of neglect of duty, corruption, bribery, &c.

Sec. 5. They shall also have jurisdiction for the correction of errors, in all judicial proceedings.

Sec. 6. Whenever any or either of the Justices of the Supreme Court shall be accused of corruption, bribery, or wilful neglect of duty, the same shall be presented to the President of the Senate, and if he shall consider there is sufficient cause of complaint he or they shall be tried before the Senate, and if found guilty, shall be dismissed from office, and subject to fine or imprisonment as the Senate may deem necessary; and shall also be liable to civil suits for all damages sustained.

Sec. 7. The Supreme Court shall appoint a Clerk of said Court, who shall file a bond in the sum of not exceeding ten thousand dollars, with approved securities, in the office of the Secretary of State, and take an oath of office; whose duty it shall be to keep a faithful record of all the proceedings of said Court, in a book provided for that purpose, to issue all writs and processes that may be ordered or issued by said Court, and pay over and account for all monies that shall come into his hands by virtue of his office, and do such other duties as the Court from time to time shall direct, and shall continue in office during the pleasure of the Court.

Sec. 8. The Secretary of State shall provide said Court with an official Seal, at the public expense, which shall contain the words "*Supreme Court, State of Deseret*," and the Clerk shall place said Seal on all processes or documents issued by the Court.

Sec. 9. All persons accused, either in civil or criminal cases, shall have the privilege of being heard themselves, or by proxy, and shall have trial by Jury if they choose. It shall be the duty of the Court to grant a speedy trial, to issue compulsory process for witnesses, and in no case suffer technicalities to frustrate the ends of Justice. The Court or either of its Judges, are to grant writs of Habeas Corpus, and hear and determine the same, on the merits of the case.

Sec. 10. The Supreme Court shall hold annual sessions, at the Seat of Government, on the first Monday in November, and such special sessions at such time and place throughout the State, as the press of Judicial business, in their opinion, may require.

Sec. 11. The Governor shall have power to appoint a State's Marshall, whose term of office shall continue four years, or during the pleasure of the Governor, and until his successor is appointed and duly qualified,—and the said Marshall, when duly qualified, shall have power to appoint, by and with the consent and approval of the Governor one or more Deputy Marshalls, as the necessity of the case may require.

Sec. 12. It shall be the duty of the Marshall, and Deputy Marshalls, to take an oath of office, and each file a bond with approved securities, in a sum not exceeding twenty-five thousand dollars, in the office of the Clerk of the Supreme Court, for the faithful discharge of his or their official duties, which bond or bonds may be

increased at the discretion of the Executive, or the Judges of the Supreme Court.

Sec. 13. It shall be the duty of the Marshall, with his Deputies, to execute all orders, or processes, and decrees of the Supreme Court, and such other duties, as the Executive shall direct or may be required by Law.

Sec. 14. An Attorney General shall also be elected by the joint vote of both Houses of the General Assembly, whose term of office shall be four years, and until his successor is elected and qualified.

Sec. 15. It shall be the duty of the Attorney General, before entering upon his duties, to take an oath of office, and give bond and security to be approved by the Secretary of State, and filed in his office.

Sec. 16. It shall be the duty of the Attorney General to prosecute, in behalf of the State, individuals accused of crime, attend to legal business before the Courts wherein the State is a party; be the Counsellor of the Executive whenever required by him; and generally to do and perform all other business pertaining to his office, and such other duties as shall be required of him by the Executive, or by legislative enactment.

Sec. 17. There may also be elected a Prosecuting Attorney for each organized County, whenever the necessity of the people or public good requires it, who shall be elected as provided for the Attorney General in the first section of this Ordinance, and for the same term, and take an oath of office, and give bond and security to be approved by the Clerk of the County Court, and filed in his office.

Sec. 18. It shall be the duty of said Prosecuting Attornies to attend to legal business before the Courts in their respective Counties wherein the State is a party, proscute (sic) individuals accused of crime, and generally to do and perform all duties pertaining to their office.

Sec. 19. A Court shall be formed in each County, consisting of one Chief Justice, and two Associate Justices, (whenever the necessity of the inhabitants of said County require it,) either two of whom shall form a quorum to do business. The Chief Justice shall be elected by the joint vote of the General Assembly, and shall hold his office four years. The two Associate Justices shall be elected by the people of said County, also for the term of four years; each of whom shall hold their office until their successors are elected and qualified, and they shall take an oath of office and file a bond in the office of the Clerk of the Supreme Court, with approved securities, for the faithful and impartial discharge of their official duties, in a sum not exceeding ten thousand dollars each, to be approved of by said Clerk, which may be increased when the Judges of the Supreme Court may deem it necessary.

Sec. 20. In case of bribery or corruption of either of the aforesaid Justices, any one of whom may be tried before the Supreme Court, or the County Court of an adjoining County; and if found guilty shall be dismissed from office, and subject to fine or imprisonment, as the Court may deem necessary; and shall also be liable to civil suits for all damages sustained.

Sec. 21. At the expiration of two years after the first election for Associate Justices, the Junior Justice's term of office shall expire, and his place be filled by an election as herein contemplated, that one of the Associate Justices may be elected every two years.

Sec. 22. The County Court shall have jurisdiction over all civil and criminal cases arising in said County, on original cases exceeding one hundred dollars, and on appeals from Justice's Courts.

Sec. 23. It shall be the duty of the County Court, or either of its Judges, whenever application is made, and in their judgments the nature of the case requires it, to issue writs of Habeas Corpus, to try and determine the same on the merits of the case, and administer justice in all cases regardless of technical forms of law.

Sec. 24. They shall appoint a Clerk of the Court, who shall qualify, and give bonds same as the Judges of said Court, whose duty it shall be to keep and affix a seal to all papers issuing therefrom; it shall also be his duty to keep a record of all proceedings of said Court, issue process, and make and deliver transcripts in cases of appeals, and do such other duties as the Court shall direct.

Sec. 25. The Clerk of the County Court shall not enter a suit, either by appeal or otherwise, (except in criminal cases,) upon his docket, without first receiving a "docket fee" of ten dollars, which sum shall be paid into the Public Treasury.

Sec. 26. It shall be the duty of said Court to hold annual sessions on the first Monday in October, and such special sessions as in their judgment, the speedy execution of justice and public good may require.

Sec. 27. There shall also be one Sheriff for each County, whose term of office shall be four years, who shall be the chief Executive officer of the County, in which he is elected, and shall execute the orders and decrees of the County Court; he shall take an oath of office and file a bond with approved securities, not exceeding ten thousand dollars, in the office of the County Clerk, which bond shall be approved by the Court, and increased when the Court shall deem proper.

Sec. 28. Each Sheriff shall have authority to appoint such number of deputies, as may be necessary to perform the business of said County, who shall be approved of by the County Court.— Each deputy shall take an oath of office, and file a bond same as the Sheriff.

Sec. 29. Each Precinct in this State may elect one Justice of the Peace, and two constables; and Great Salt Lake City Precinct four Justices of the Peace, and eight constables; (and the same may be increased in any Precinct in this State, whenever the public good require it;) whose term of office shall be two years.

Sec. 30. It shall be the duty of every Justice of the Peace, to examine strictly and faithfully into the merits and demerits of all civil and criminal cases which may come before him, and to execute justice without respect to persons or favor, or the technicalities of the law, preserve the public peace, sit in judgment on all cases referred to him, and keep a true record of all proceedings had before him, and in case of appeal, to transmit a copy of the same to the Clerk of the Court to which the appeal is made.

Sec. 31. Each Justice of the Peace and constable shall take an oath of office, and shall file a bond with approved securities, of not less than one, nor exceeding ten thousand dollars, in the office of the County Court in which he resides, for the faithful discharge of his official duties.

Sec. 32. Any Justice of the Peace may officiate as Coroner, when occasion may require by holding inquests upon the bodies of such persons as may be found dead, or may have died suddenly, or by violence, or in any manner that may create suspicion of crime; it shall be his duty to take in writing the evidences that may be adduced in such cases, also his own decision thereon, the names of several persons present at the investigation, and file the same in the Clerk's office of the County Court; and he shall have authority to summon to his assistance such persons as he may deem necessary to hold such inquest, and dispose of, or inter said body, as he shall think proper.

Sec. 33. A docket fee of one dollar shall be paid to each Justice of the Peace, for each case coming before him, before he commences any suit by civil process, which sum shall be paid into the Public Treasury.

Sec. 34. Any Justice of the Peace may issue compulsory process for the attendance of witnesses, and may admit as evidence any depositions taken before any Justice of the Peace, Judge, or Clerk of Court; who shall seal up and transmit the same to the Court where the case is pending; provided that both parties are duly notified of the time and place of taking such depositions, and had the privilege of being present themselves, or by proxy, if they choose: all such depositions must be taken upon oath or affirmation.

Sec. 35. It shall be the duty of each and every Justice of the Peace, to punish by fine not exceeding one hundred dollars at his discretion, any person or persons who shall bring before him a vexatious lawsuit, through malice or private pique against the

defendant; all fines so collected shall be paid into the public Treasury.

Sec. 36. When any Justice of the Peace shall be found guilty of receiving a bribe, of using partiality, or knowingly giving an unjust decision; he shall be dismissed from office, and fined or imprisoned at the discretion of the County Court, and he shall also be liable for civil suits for damages.

Sec. 37. In all cases where civil suit is commenced before any Justice of the Peace, said Justice shall require the plaintiff to enter into bonds to be approved by the Justice, for all costs that may arise for witnesses, constables, and costs of Court; the witnesses shall be allowed the current price of labor per day, that they would have earned if they had been at home, and expenses, which bond shall be held by the Justice of the Peace. And on the termination of any suit, the Justice of the Peace shall decide whether the plaintiff or defendant shall pay said costs, or what portion shall be paid by each, according to the Justice of the case.

Approved Jan. 16, 1850.

AN ORDINANCE CONCERNING REVENUE

Passed by the General Assembly, January 10, 1850.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that there shall be elected annually, in each County of this State, an Assessor, who shall also be the Collector, who shall be sworn or affirmed to the faithful performance of his duty, and give bond and security approved by the public Treasurer, and deposited in his office within ten days after his election, and to hold his office until his successor is appointed and qualified.

Sec. 2. The Assessor and Collector for the respective Counties, shall be elected at the first election by the General Assembly of this State, upon the joint vote of the two Houses, and after the County Courts are organized, they shall have the privilege of appointing an Assessor and Collector annually, for their respective Counties, until otherwise provided for by law.

Sec. 3. It shall be the duty of the Assessors and Collectors, to assess and collect, for the current year, a tax of two cents upon each dollar's worth of personal property, money loaned, or on hand, and improvements upon real estate: provided, that public property, property belonging to religious societies for public purposes, and burying grounds, shall be exempt from all such assessments.

Sec. 4. The Assessors and Collectors are hereby authorized and required to assess all property at its current value, and collect the amount of tax arising thereon without delay, and pay over or

remit all amounts so collected, into the public Treasury, as often as once in each month.

Sec. 5. It shall be the duty of each Assessor and Collector, to keep a fair and faithful record of the names of owners of property, the amount assessed, and tax arising thereon, and collected, and paid over, and also the amount assessed not collected, and the reason why, if by removal, or otherwise, and return the same with a full statement of all his proceedings (sic) on or before the first day of December in each year, to the Auditor of public Accounts, whose duty it shall be to Audit the same, and report thereon to the General Assembly if then in session, or the first ensuing session.

Sec. 6. If any person shall refuse or neglect to pay the amount of tax assessed, as herein contemplated, it shall be the duty of the Assessor and Collector to enforce the collection thereof, in the most summary manner: provided, he shall in no case distress the widow, and the fatherless, nor oppress the honest poor.

Sec. 7. Any person or persons who shall fail to give in a true report to the Assessor and Collector, of all taxable property owned by said person or persons, according to the provisions of this Ordinance, or wilfully (sic) conceal from the Assessor and Collector, any taxable property, owned by him or them, or otherwise try to defraud the public revenue, shall, on conviction thereof, be liable to a fine of not exceeding one thousand dollars, or the amount of money or property so concealed, at the discretion of the Court having jurisdiction.

Approved, Jan. 16, 1850.

AN ORDINANCE, AUTHORIZING A BOUNTY ON KILLING WOLVES, &c.

Passed by the General Assembly, January 14, 1850.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that a bounty of two dollars is hereby offered for the killing of each large mountain wolf; also, one dollar for the killing of each small prairie wolf, or fox; said bounty to be paid out of the public Treasury as hereinafter prescribed; provided, that the person claiming the bounty shall be the person who killed the wolf or fox; and that the application for said bounty shall be made within ten days after the killing, by preserving the wolf's or fox's pelt entire, together with two inches or more of the upper jaw next preceding the end of the nose thereunto attached in its natural state; and the killing shall have been performed within the distance of twenty miles of some white settlement within this State.

Sec. 2. Any person on killing a wolf or fox, may claim the bounty thereon offered, by presenting the wolf's or fox's pelt, with the upper jaw thereunto attached, as specified in the first section of this Ordinance, to any magistrate, who is hereby authorized to question any person making such claim, and if the magistrate is not satisfied with the answer of the claimant, he may put him on his oath or affirmation; and when satisfied of the justice of any claim, said magistrate shall issue his certificate of the fact, making a record of the same on his docket; and such certificate shall be receivable by the Assessor and Collector of taxes, for the amount therein specified.

Sec. 3. If any person shall kill a wolf or fox puppy and present the pelt and upper jaw thereof, in like manner as prescribed in the first and second sections of this Ordinance, for the presentation of wolf or fox pelts, for bounty, the person so applying shall, in like manner, be entitled to a bounty of fifty cents, for each pelt and jaw so presented, without reference to large or small kind, and the magistrate shall issue his certificate accordingly.

Sec. 4. It shall be the duty of each and every magistrate, on the issue of every certificate of bounty, for wolf, fox, or puppy pelts and jaws, to see that said person receiving said certificate, forthwith remove said jaw or jaws, from said pelt or pelts, and burn the jaw or jaws in his presence.

Sec. 5. If any person shall make application to any magistrate for bounty, contrary to the provisions and designs of this Ordinance, or shall deceive, or attempt to deceive said magistrate concerning the facts in the case, and it shall appear evident to said magistrate that the person so applying has deceived, or attempted to deceive concerning his claim, or has sworn or affirmed falsely, for such deception, or attempted deception; said magistrate shall forthwith levy such fine as justice shall, in his opinion, demand; said fine to be collected off the property of the person making the application, and paid into the public Treasury; and if said deception or attempted deception shall arise through false swearing or affirming, the person, so deceiving or attempting to deceive, shall be further and otherwise punished for perjury, at the discretion of the Court having jurisdiction, or as the law shall direct.

Sec. 6. It shall be the duty of every magistrate on issuing a certificate for bounty, to number the same, and each succeeding certificate, and report the number of certificates by him issued, with the amount of each, to the Assessor and Collector of taxes, on the first day of January, April, July, and October annually.

Approved January 16, 1850.

AN ORDINANCE FOR TAKING OUT
THE RIVER JORDAN

Passed by the General Assembly, Jan. 15, 1850.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that the sum of three thousand dollars shall be appropriated, out of the Public Treasury, for the construction of a dam across the River Jordan; and conveying all, or part of the water, out of its present channel, to the farming lands on the west side of the Jordan, for irrigating, and other purposes, during the year 1850.

Sec. 2. Said funds shall be paid over by the Treasurer, to the Committee on Public Works; namely, George A. Smith and Ezra T. Benson, or their order.

Sec. 3. Said Committee on Public Works shall give bonds, with approved securities, to the Secretary of State, before entering upon the duties herein specified.

Sec. 4. It shall be the duty of said Committee, to keep a correct account of all monies paid out by them, and report the same to the Auditor of Public Accounts, on or before the first day of December next.

Approved, Jan. 15, 1850.

AN ORDINANCE, FOR TAKING OUT THE BIG
COTTONWOOD, AND OTHER CREEKS, FOR
IRRIGATING AND OTHER PURPOSES

Passed by the General Assembly, Jan. 15, 1850.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that the sum of two thousand dollars shall be appropriated out of the Public Treasury, for the purpose of taking the water out of the channels of the Big Cotton-wood, Mill, Big and Little Kanyon Creeks, for the purpose of irrigating the farming lands, and the east part of the city, and for other purposes.

Sec. 2. Said funds shall be paid by the Treasurer, to the order of John D. Lee, who is hereby appointed a Committee, to superintend the works.

Sec. 3. Said John D. Lee, shall give bonds with approved security, to the Secretary of State, for the faithful performance of the duties of his office, and also the faithful appropriation of the money, paid to him.

Sec. 4. Said John D. Lee shall keep a correct account of all monies received and paid out by him, and present a copy of the

same to the Auditor of Public Accounts for examination, as soon as the work is completed, or before the first day of December next.

Approved, Jan. 15, 1850.

AN ORDINANCE PROVIDING FOR STATE AND
COUNTY COMMISSIONERS, ON ROADS

Passed by the General Assembly, Jan. 15, 1850.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that a State Commissioner on public roads shall be elected by the General Assembly, whose term of office shall be four years, and until his successor is elected and qualified; and who shall take an oath, and give bond with security for the faithful performance of the duties of his office; which bond shall be approved by the Secretary of State, and filed in his office.

Sec. 2. Whenever the General Assembly shall grant a State road, from one given point to another, it shall be the duty of the State Commissioner to institute a speedy survey for said road, on the most feasible and practicable route, having special reference to public convenience, utility, and durability; showing distances, altitude of hills, soils, rivers, ravines, and all such like information relating to convenience, and expense, &c., with all reasonable dispatch, to the Governor, who, with the Commissioner, shall decide on the location of said road, and all such, and other maps and reports; and maps and reports, of all surveys made by the State's Commissioner, shall be filed in the office of the Secretary of State, within a reasonable time.

Sec. 3. If it shall appear evident that there is but one feasible route for any road granted by the General Assembly, or if the Governor shall instruct the Commissioner to locate any given road on any particular route, previous to a survey; then it shall be the duty of the Commissioner to locate said road without delay, and file a report of each and every location of a State road, in the Secretary's office, as in the second section.

Sec. 4. It shall be the duty of State Commissioners to make all contracts for building bridges, aqueducts, culverts, turnpikes, and all other fixtures necessary for the completion of any public road, located by himself or predecessors in office, yet remaining uncompleted, and draw upon the Public Treasury for such money as shall from time to time be granted by the General Assembly, for the payment of said contracts; keep an accurate account of all sums of money by him received, and how expended, and make a true report of the same, on or before the first of December of each year, to the Auditor of Public Accounts.

Sec. 5. The County Court, in each County, shall have power to appoint one or more Commissioners, whenever they shall deem it necessary, to locate all County roads within the limits of said County, whose term of office shall be two years, and until their successors are appointed and qualified. They shall also give bond and security, for the faithful performance of the duties of their office, to be approved by the Clerk of said Court, and filed in his office.

Sec. 6. It shall be the duty of all County Commissioners so appointed, to make all contracts for improvements upon all such roads, locating the same upon the most judicious routes, and keep and make a true and full report of all their proceedings, and lay the same before the County Court, at each regular session of the same; and before they shall cease to officiate in said office, file all such reports in the office of the Clerk of the County Court.

Sec. 7. The Commissioners herein provided for, shall locate all roads herein contemplated, upon such ground as shall be most conducive to the public benefit, and have power to open the same through enclosures, farming lands, &c., where necessary.

Sec. 8. Any person feeling him or herself damaged by the opening of any such road, through or across their premises, may have the same appraised by three judicious men, who shall, in calculating such damages, also consider the benefit accruing to said premises in consideration of said road, and if it shall appear that the premises through which said road shall pass, are damaged more than benefited by the same, the owners thereof may recover the same by appeal to the County Courts, all such amounts to be paid out of the Public Treasury.

Sec. 9. The people in each Precinct may, at the time of holding elections, elect a Supervisor of roads in each Precinct annually, whose duty it shall be to call out and expend the poll tax in each Precinct, upon all roads within said Precincts. It shall be his duty to open and keep in repair all such roads, and to collect from all delinquents the equivalent of their labor, and expend the amount so collected upon the same.

Approved, Jan. 15, 1850.

AN ORDINANCE AUTHORIZING THE LOCATION
OF STATE ROADS, &c

Passed by the General Assembly, Jan. 28, 1850.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that a State road, eight rods in width, be located from Ogden, the County seat of Weber County, south, passing the

Temple Block, in Great Salt Lake City; and terminating at the Town of Provo, the County seat of Utah County.

Sec. 2. Also a State road, of the same width, from the Temple Block in Great Salt Lake City, to the County seat of Tuilla County; and the State Commissioner on public roads, is hereby required to take due notice, and govern himself according to the Ordinance in such case made and provided, relating to his duties, in locating the same.

Approved Feb. 1, 1850.

AN ORDINANCE PROVIDING FOR THE LOCATION
OF COUNTIES AND PRECINCTS THEREIN
NAMED, &c

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that all that portion of country known as Weber Valley, and extending as far south as Stony Creek, and west to the Great Salt Lake, shall be called Weber County.

Sec. 2. The County seat of said County shall be located at Ogden City.

Sec. 3. The County of Weber shall be divided into three Precincts, as follows:—The City Precinct shall include all of the country lying in said County, between Ogden River and Sandy Creek, all north of Ogden shall be called Ogden Precinct, and all south of the second Creek in said County, Sandy Precinct.

Sec. 4. All that portion of country known as the Valley of the Great Salt Lake, and lying south of Stony Creek, shall be called Great Salt Lake County.

Sec. 5. The County seat of said County shall be at Great Salt Lake City.

Sec. 6. Great Salt Lake County shall be divided into five Precincts as follows, to-wit:—All north of the Hot Spring, and west to the Jordan; thence down that river, eight miles; thence west to the Great Salt Lake; to be called North Canyon Precinct.

Sec. 7. City Precinct shall include all that part of said County lying east of Jordan, and between North Canyon Precinct and the farming lands on the south line of the City, and to the western limits of said County.

Sec. 8. All that portion of country known as the farming land east of Jordan, south of City Precincts, and north of the south line of the Big Field, thence to the eastern line of said County, to be known as Farmer's Precinct.

Sec. 9. Cotton-wood Precinct shall include all of that portion of said County lying south of Farmer's Precinct, and east of Jordan.

Sec. 10. All of that portion of said County lying west of the Jordan River, and south of North Canyon Precinct, shall be known as Western Jordan Precinct.

Sec. 11. All that portion of country called Utah Valley, shall be called Utah County; the County seat of which shall be located at Provo City.

Sec. 12. The aforesaid County shall be one Precinct, when the County Court shall deem it necessary to organize; in which case, the said Court is hereby authorized to divide off as many Precincts as shall be necessary for the convenience of the people.

Sec. 13. San Pete Valley shall be a County, including the boundaries of said valley, and called San Pete County; having one Precinct, until the County Court shall deem it necessary for the convenience of the people to have more; when the said Court may create more as they shall see proper.

Sec. 14. Tuilla Valley shall be a County, called Tuilla County, having one Precinct, until otherwise ordered by the County Court. The inhabitants may organize said County, and locate the County seat wherever they shall see proper, and until they shall so organize, said County shall be considered one Precinct, and may have a Justice of the Peace and two constables, and be attached to the Great Salt Lake County, for judicial, revenue, and election purposes.

Sec. 15. Little Salt Lake Valley shall be a County including the eastern limits of said Valley; the County Court of which may organize the Precinct as they shall deem necessary.

Sec. 16. There shall be a Precinct, called Bridger's Precinct, at Black's Fork, including the settlements of all white inhabitants in that region, between Bear and Green Rivers, and within the limits of this State, until otherwise provided by law.

Sec. 17. Whenever a County is mentioned as including a valley, the boundaries of the same shall extend to the natural boundaries of said valley,—the summit of the surrounding mountains, on the highest dividing ridge between said vallies.

Sec. 18. All Counties which do not organize are hereby attached to the next nearest organized County for judicial, revenue and election purposes; nothing herein contained shall be so construed as to prevent all such Counties having at least one Justice of the Peace and two constables, whenever the inhabitants of said County shall deem it necessary, and elect such officers.

Sec. 19. All Justices of the Peace and constables so elected, shall qualify in the next nearest organized County, as contemplated in the Ordinance concerning the Judiciary.

Approved, Jan. 31, 1850.

AN ORDINANCE INCORPORATING THE
UNIVERSITY OF THE STATE OF
DESERET

Passed by the General Assembly, Feb. 28, 1850.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that a University is hereby instituted and incorporated, located at Great Salt Lake City, by the name and title of the University of the State of Deseret.

Sec. 2. The powers of the University shall be vested in a Chancellor and twelve Regents; the number of which Regents may be increased when necessary, who shall be chosen by the joint vote of both Houses of the General Assembly, and shall hold their office for the term of four years; and until their successors are qualified.

Sec. 3. The Chancellor shall be the chief Executive officer of the University, and Chairman of the Board of Regents.

Sec. 4. The Chancellor and Board of Regents are a body corporate, to sue and be sued; to act as Trustees of the University, to transact, or cause to be transacted, all business needful to the prosperity of the University, in advancing all useful and fine arts and sciences; to select and procure lands; erect and purchase buildings; solicit donations; send agents abroad; receive subscriptions; purchase books, maps, charts, and all apparatus necessary for the most liberal endowment of any library, and scientific Institution; employ professors and teachers; make bye-laws, establish branches of the University throughout the State; and do all other things that fathers, and guardians of the Institution ought to do.

Sec. 5. The Chancellor and Regents, may appoint a Secretary, and define his duties.

Sec. 6. The Chancellor, Regents, and Secretary, before entering upon the duties of their respective offices, shall each take an oath of office, and file a bond in the office of the Secretary of State, with approved securities, in a sum not less than ten thousand dollars, conditioned for the faithful performance of their several duties; which sum may be increased at the discretion of the Executive of the State.

Sec. 7. There shall be a Treasurer of the University elected in the same manner, and for the same time, as the Chancellor and Regents; whose duty it shall be to receive and safely keep the funds of the University, or dispose of the same, as he shall be directed by the Board of Regents; and keep accurate records of all funds that may come into his possession; and keep his books open at all times for the inspection of the Chancellor and Regents, or any of them, and of the Executive and Secretary of State.

Sec. 8. The Treasurer, before entering upon the duties of his office, shall take an oath of office, and file a bond, with approved security, in the office of the Secretary of State, in the sum of one hundred thousand dollars; conditioned for the faithful performance of his duties, which sum may be increased at the discretion of the Executive of the State.

Sec. 9. Should a vacancy occur in the Board of Regents, or any office in the Institution, during the recess of the General Assembly, the Executive of the State may fill such vacancy.

Sec. 10. It shall be the duty of the officers of the University to prepare, and open books, and be ready to receive subscriptions, donations and appropriations, on or before the sixth day of April next; and shall legibly enter upon their books, all subscriptions, and donations to the University, with the names of the donors, time and place, and preserve the same.

Sec. 11. The sum of five thousand dollars is hereby appropriated annually out of the State Treasury, for the use and benefit of said University.

Sec. 12. The Board of Regents shall have a Seal, known as the Seal of the University; which may accompany all their official correspondence, and all other legal documents given under the hands of the Regency of the University.

Sec. 13. It shall be the duty of the Chancellor and Board of Regents, as soon as the funds arising from donations or otherwise may justify, to establish a free school Institution for the benefit of orphans, and other indigent worthy persons.

Sec. 14. The Secretary and Treasurer shall each present a full and explicit report in writing of the situation, funds, and doings of the University in their several departments, on the first of December in each year, to the Secretary of State.

Approved, Feb. 28, 1850.

AN ORDINANCE IN RELATION TO COUNTY RECORDER

Passed by the General Assembly, March 2, 1850.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that a County Recorder shall be elected at the usual place of holding Elections in each organized County of this State, whose term of office shall be four years, and until his successor is qualified.

Sec. 2. The recorders in their respective Counties shall take an oath of office, and give bond and security to be approved by the County Court, and filed in the County Clerk's office.

Sec. 3. It shall be the duty of Recorders in their respective Counties, to provide themselves with good and well bound books suitable for the purpose, and record therein all transfers or conveyances of Land or Tenements, and all other Instruments of writing and Documents suitable, necessary and proper to be recorded; in a fair and legible manner.

Sec. 4. The Recorders in their respective Counties shall also procure and keep a suitable book for the purpose of recording town and city plats, and plats of all surveys of lands, roads, and surveys of public works, whenever the same shall be permanently located, and being within their respective Counties.

Sec. 5. The books of record shall be indexed in alphabetical order, and free to the examination of all persons, and upon the filing of any paper for record, the Recorder shall endorse upon the back thereof the time of receiving it.

Sec. 6. To make deeds, bonds, mortgages and all other instruments of writing, which are to be recorded on the County records lawful, they shall be acknowledged before the County Recorder, without which they shall not be valid.

Approved, March 2, 1850.

AN ORDINANCE, CREATING A SURVEYOR
GENERAL'S OFFICE, &c

Passed by the General Assembly, March 2, 1850.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that a Surveyor General for the State shall be elected by the General Assembly, whose term of office shall be four years, and until his successor is qualified.

Sec. 2. The Surveyor General shall take an oath of office, and give bond and security to be approved by the Secretary of State; and filed in his office.

Sec. 3. The Surveyor General shall keep his office at the Seat of Government, and keep a record of all surveys made by himself or reported to him by other surveyors, in a book suitable for the purpose. He shall also have a general superintendence and supervision of all surveys of land, made within the State.

Sec. 4. There shall also be a County Surveyor, appointed by the County Court in each County, whose term of office shall be four years, and until his successor is qualified.

Sec. 5. The County Surveyor shall take an oath of office, and give bond and security to be approved by the Clerk of the County Court, in their respective Counties, and file the same in his office.

Sec. 6. All surveys made in any County shall, upon the completion thereof be returned to the County Surveyor, who shall file a copy thereof, together with a copy of all surveys made by himself, in the County Recorder's office, in the County wherein the same is made; and transmit another copy of the same, together with the surveys made by himself, to the Surveyor General's office at the Seat of Government.

Sec. 7. It shall be the duty of the Surveyor General, and all County Surveyors, to supervise all surveys made in their respective jurisdictions, that the same may be accurate, and no report shall be filed for record, until the same shall be certified to, by the Surveyor General, or County Surveyor, as being correct.

Sec. 8. All surveys made in this State, shall be made to correspond with the original survey of Great Salt Lake City, and in all new surveys, certificates approved by authorized surveyors shall be considered title of possession, to the holding of the same for the amount of land therein described.

Sec. 9. It shall be the duty of all surveyors within the State, to make return of all such reports within ten days, to the Recorder of the County wherein the survey is made, and transmit another copy of the same to the Surveyor General's office, within twenty days after the same shall be completed.

Approved, March 2, 1850.

AN ORDINANCE, AUTHORIZING THE ERECTION
OF A BUILDING FOR THE SAFE KEEPING OF
PUBLIC PROPERTY, PURCHASING ARMS,
AMMUNITION, SUPPLIES, &c.

Passed by the General Assembly, March 2, 1850.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that the Quartermaster of the State of Deseret is hereby authorized to erect a suitable building for the safe keeping and preservation of Ordnance, camp equipage, ammunition, small arms, supplies, &c.

Sec. 2. The Quartermaster is also authorized to purchase all arms and munitions of war necessary, and it is hereby made his duty to cause the Ordnance to be repaired, and put in complete order without delay.

Sec. 3. Any person having furnished supplies for the Utah expedition against the Indians, and the amount of the same not having been ascertained or allowed, or any expense incurred by reason of this Ordinance, or the Ordinance regulating the Militia, passed February 27 ult., the same may be audited by the Auditor

and if found correct, he shall give an order upon the Treasurer for the same, who shall pay the same out of any money in the Public Treasury, not otherwise appropriated.

Approved, March 2, 1850.

AN ORDINANCE PROHIBITING THE SALE OF ARMS,
AMMUNITION, OR SPIRITUOUS LIQUORS
TO THE INDIANS

*Passed, March 29, 1850.**

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that if any person shall hereafter trade or give any guns, rifles, pistols, or any other deadly weapons, ammunition or spirituous liquors, to any Indian; without having a license, shall on conviction thereof before any Justice of the Peace, be fined in a sum not exceeding five hundred dollars for each offense, and also forfeit all the property received from the Indian, which shall be sold, and the proceeds thereof paid into the Public Treasury.

AN ORDINANCE CONCERNING REVENUE

Passed, July 4, 1850.†

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that all spirituous liquors which are offered for sale, or disposal in any way, within this State, the same shall be assessed and taxed at the rate of fifty per cent upon the selling price thereof.

Sec. 2. It is hereby made the duty of the Assessor and Collector, to assess and collect the above tax, from and after the publication of this Ordinance, in the same manner, and under the same regulations and provisions, as required in the Ordinance concerning Revenue, passed Jan. 10, 1850.

Sec. 3. All Iron, Steel, Castings, Glass, Nails, Hardware, Hollowware, Glass and Queensware, Paints, Oils, Dye-Stuffs, Tea, Coffee, Sugar, Rice, Molasses, Dried Fruit and all other Groceries, together with Medicines, Boots, Shoes, and all kinds of Leather, are hereby exempted from all and any assessment, or tax whatever.

Sec. 4. Any law or ordinance, incompatible with this, so far as relates to the articles mentioned in this Ordinance are concerned, the same is hereby repealed.

Approved, July 4, 1850.

*See text, note 85.

†Reprinted from *The Deseret News*, July 6, 1850.

AN ORDINANCE INCORPORATING THE
PERPETUAL EMIGRATING COMPANY

*Passed by the General Assembly, September 14, 1850.**

Whereas, in the fall of 1849, the Church of Jesus Christ of Latter-day Saints in this State, did by voluntary donation create a fund, for the laudable and benevolent purpose of facilitating the emigration of the poor to this State; and,

Whereas, labor, industry, and economy is wealth, and all kinds of mechanics and laborers are requisite for building up and extending the benefits of civilized society, subduing the soil, and otherwise developing the resources of a new country; and,

Whereas, there are many good and worthy people, who would gladly emigrate to this State, if they were provided with the means; and,

Whereas, we consider it a subject worthy of consideration and encouragement, fraught, as it is, with the best interest of society, not only by adding to the national wealth, and extending the area of civilization, but accomplishing the still more generous and benevolent purpose, of transplanting to a more genial soil—to a place where labor and industry meet their due reward; where man's best nature and intelligence can arise and assert their supremacy: the poor and the oppressed, whose unremitting toil, owing to their location and associations with which they are surrounded, has been insufficient to procure even the most common necessaries of life, thereby dooming not only themselves, but their children in all future generations, to a precarious and bare subsistence, thereby binding the mind and the intelligence down to the unanswerable arguments of unrequited labor and want; therefore, to encourage and perpetuate this enterprise, We, the General Assembly of the State of Deseret, do ordain and establish the following ordinance, to wit:

AN ORDINANCE, *Incorporating the Perpetual Emigrating Company.*

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that the General, or a Special Conference of the Church of Jesus Christ of Latter-day Saints, to be called at such time and place as the First Presidency of said Church shall appoint—is hereby authorized to elect, by a majority, a company of not less than *thirteen* men, one of whom shall be designated as their President, and the others, Assistants.

Sec. 2. This Company is hereby made and constituted a body corporate under the name and style of the Perpetual Emigrating Company; and shall have perpetual succession, and may have and use a common seal, which they may alter at pleasure.

*Reprinted from *The Deseret News*, September 21, 1850.

Sec. 3. This Company, under the name and style aforesaid, shall have power to sue, and be sued, plead, and be impleaded, defend, and be defended, in all Courts of law or equity, and in all actions whatsoever; to purchase, receive, and hold property, real and personal; to receive, either by donation on deposit, or otherwise, money, gold dust, grain, horses, mules, cows, oxen, sheep, young stock of all kinds, as well as any and every kind of valuables, or property, whatsoever; to emit bills of credit and exchange; to sell, lease, convey, or dispose of property, real and personal; and finally to do and perform any and all such acts as shall be necessary and proper for the interest, protection, convenience or benefit of said Company.

Sec. 4. A majority of said Company at Head Quarters shall form a quorum, to do business, and shall elect from their number a Secretary, Treasurer, and Recorder; and shall have power to select and appoint all other officers and agents necessary to transact the business of said Company.

Sec. 5. It shall be the duty of the President of the Company to superintend all the business of the Company: he shall also sign all certificates, bills, vouchers, as well as all other papers and documents pertaining to the general business of the Company, which shall be countersigned by the Secretary.

Sec. 6. It shall be the duty of the Recorder, to record in a fair and legible hand, all the general business transactions of the Company, in good and sufficient books suitable for the purpose, which he shall procure at the expense of the Company, and safely keep and preserve the same.

He shall also make a faithful and accurate record of all donations to the Fund, of the names of persons donating, the amount, kind of property &c., in books separate and apart from any other entries, and safely keep and preserve all the books and papers of the Company; the said books being free to the inspection and examination of all persons interested.

Sec. 7. The President, and Assistants, shall individually give bond and security in a sum of not less than ten thousand dollars to be approved by the First Presidency of said Church, and filed in the General Church Recorder's office.

Sec. 8. The Secretary, Treasurer, and Recorder, and all other officers or agents appointed by the Company, shall give bond and security to be approved by the President of the Company, and filed in the Company Recorder's office; and all the Company shall be responsible for the acts of all officers and agents so appointed.

Sec. 9. There shall be a general settlement of all the business transactions of the Company, so far as returns are received from abroad, as often as once in each year; and it shall be the duty of all the officers and agents, to make out correct returns of all

their transactions, and deliver or transmit the same to the Secretary of said company, on or before the first day of December in each year; and it shall be the duty of the President of the Company to produce or exhibit a manifest of the same, & file it in the Recorder's office; as also, a copy of the same in the General Church Recorder's office, as soon as practicable thereafter.

Sec. 10. It shall be the duty of the Treasurer to keep an accurate account of all money or property received and disbursed by him, and make returns as herein before directed.

Sec. 11. The Company being collectively responsible for their own officers and agents, shall have the power of substituting others in their places, or dismissing them or any of them from office, and it shall be the duty of all persons so superceded or dismissed, to pay over and to pass into the hands of their respective successors, or the Company, all monies, property, books, papers, accounts of every name and nature belonging, or in any way pertaining to the business of said Company.

Sec. 12. It shall be the duty of the Company to appoint one or more of their number to travel on the business of the Company, to procure wagons, cattle, mules, horses, &c., as shall be necessary for the purpose of the Emigration of the Poor; who shall also have the general direction of all matters and things pertaining to said Emigration, while abroad; and he or they shall also make their annual returns, as herein before directed.

Sec. 13. The entire proceeds of the business of this Company, shall inure to the Perpetual Emigrating Fund for the Poor; whether arising from donations, insurance, deposits, (sic) exchange, increased value of property, or in any other way or manner whatsoever. And the general business of the Company shall be devoted, under the direction and supervision of the First Presidency of said Church, to promote, facilitate, and accomplish the Emigration of the Poor.

Sec. 14. The members of this Company shall hold their offices at the pleasure of the Conferences hereinbefore mentioned; but the First Presidency of said Church shall have power to fill all vacancies that may occur, by death, removal, or otherwise; and all such persons so appointed, shall qualify as herein before directed, and hold the offices until superceded by an election.

Sec. 15. No officer, agent or member of the Company, shall be permitted to retain in his hands any portion of the funds of the Company, as compensation; but shall receive such remuneration as shall be awarded him or them upon settlement with the board of President and Assistants.

Sec. 16. All persons receiving assistance from the Perpetual Emigrating Fund for the Poor, shall reimburse the same in labor or otherwise, as soon as their circumstances will admit.

Sec. 17. The Islands in the Great Salt Lake, known as Stans-

bury's Island and Antelope Island, are hereby reserved and appropriated for the exclusive use and benefit of said Company, for the keeping of stock, &c.

AN ORDINANCE AUTHORIZING THE ORGANIZATION OF DAVIS COUNTY

*Passed by the General Assembly, October 5, 1850.**

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, That all that portion of country included in the following boundaries, to wit: beginning at the Hot Springs, and running thence west to the River Jordan, then down said river eight miles, thence west to the Great Salt Lake; and lying south of the dividing ridge from the mountains on the east, across the desert west, and south of the Weber River, to the Great Salt Lake; be hereafter known by the name of Davis county.

Sec. 2. The Marshall of the State, under the direction of the Executive, is hereby authorized to organize said county.

Sec. 3. All officers appointed, or elected under this organization, shall hold their offices, until superceded by an election held in pursuance of the ordinance regulating elections, passed Nov. 12, 1849.

Approved, Oct. 5, 1850.
Brigham Young,
Governor.

GOVERNOR'S MESSAGE:

Deseret, December 2, 1850.

TO THE SENATORS AND REPRESENTATIVES OF THE STATE OF DESERET

GENTLEMEN:—Again have our duties brought us together in the capacity of a legislature, for the purpose of establishing government, and prescribing laws and regulations, which shall prove adequate to the wants and necessities of the people.

It is usual upon occasions like this, to lay before the law-making department, a full and concise report of the situation of affairs pertaining to the government; as well as to make such suggestions and recommend such measures as in the opinion of the executive will prove the most advantageous to the body politic. I purpose so to do, so far as I shall have the ability and the means within my reach, reserving unto myself the privilege of completing any report, as circumstances shall dictate or require.

*Reprinted from *The Deseret News*, October 19, 1850.

It is probably known to you that Congress has passed an Act to establish the Territory of Utah, and provided for taking the census of Deseret; but as yet, no official announcements have been made; consequently the government of Deseret will continue in all its departments, until such time as it shall be superceded by an organization contemplated under the act of congress. Whatever may be effected under the new organization, we have the proud satisfaction, of having sustained a quiet, yet energetic government, under all the vicissitudes incident to new and untried localities; and when the general government shall have assumed to pay the expenditures consequent upon the Indian expeditions;—of being comparatively free from debt.

Unlike the golden browed neighbors of our sister state; no agent of ours is hawking about our state bonds, to obtain the necessary means to defray the sixteen dollars per diem allowance of the members of the legislature. In this state, no expense has been incurred, by any of the departments of government for services rendered.

The auditor's report will show, the amounts paid out, being almost exclusively for public improvements, or articles purchased for public use. And here permit me to remark, that in order to make the settlement of the pecuniary matters of the state more direct and feasible, I wish to direct your attention to the suggestions contained in that report, and recommend their adoption:—in defining the duties of all officers in any wise handling the public funds. In all time to come, it is to be hoped that that enlightened and wise policy will pervade our legislatures, which not requiring laws to restrain, will yet keep their appropriations and allowances within proper limits. The success of all governments depends upon their having power and ability to perform their various functions, and there is no surer way of crippling their energies and binding their exertions, than plunging them heedlessly and hopelessly into debt; it is far better to assess a tax at once, adequate to all the necessary expenditures of government, than permit an accumulation of indebtedness to harrass every department, and the consequent necessity of forced and temporary loans.

Under the fostering care of the government, the subject of education is fast assuming an importance that will reflect great credit upon our exertions. The board of chancellor and regents of the University have already established schools in various parts of the state, mostly however, without incurring any expense to the institution. The enlightened course pursued by that board, will unquestionably redound to the benefit of the institution, as well as to a general system of education, throughout the state; and must certainly meet with your cordial approval, and warmest encouragement. The situation selected for educational purposes upon the eastern side of the city, will probably be enclosed the ensuing

winter; and suitable buildings erected as soon as the necessary funds can be obtained for that purpose.

In extending, and making new settlements, one uniform course has been recommended; that of building and settling in forts in the first instance, and farming in one enclosure. This course has proven highly successful;—nevertheless, we have been compelled, in order to sustain ourselves and our settlements, to make two expeditions against the native tribes; one against the Timpanogos last February, of which you were informed; the other against a portion of the Shoshones, in September last. This last expedition was conducted strictly upon the defensive, and every effort made to attain to a peaceful adjustment of all difficulties unfortunately existing. The Indians having fled, were not encountered by our detachment, but recent reports seem favorable to a peaceful termination.

All the Indians with whom we have had difficulties, are detached or broken off bands from the main tribes; with them, our peaceful relations have never been interrupted.—We have spared no time or expense in endeavoring to conciliate the Indians, and learn them to leave off their habits of pilfering and plundering, and work like other people; but habits of civilization seem not to be in accordance with their physical formation; many that have tried it, pine away, and unless returning to their former habits of living, died in a very short time. Could they be induced to live peaceably and keep herds of cattle, their condition would very materially be ameliorated, and gradually induce a return to the habits of civilization.

It becomes us to be prepared to repel sudden invasions as they generally come at an unexpected moment. To this end I would recommend a more efficient organization of the militia, and strict requirements of officer's reports, and uniform distribution of public service; also, that sufficient means be appropriated to defray the expenses of repairing and housing the public arms, ordnance, &c., and purchasing supplies of camp equipages, baggage, waggons, and teams.

Unparalleled in the history of the times, not a solitary case was reported for trial, before the regular sessions of either the county or supreme courts, during the past year; and no offence beyond the control of a justice of the peace seems to have been committed.—This argues favorably in behalf of justice's courts having extended jurisdiction, and probably, is partly owing to the requirements of the law, making it the duty of all officers to seek to allay and compromise differences, instead of promoting litigation.

It is highly necessary that a court of probate should be organized, or else the duties of probate courts and public administrator be devolved upon some office now organized.—The stray pound, enclosures, and herding, are each of them subjects requiring your most careful attention, being fruitful sources of complaint,

and liable to terminate in litigation. General laws, specific in their nature, should be passed upon the subject, at as early a day as practicable.

The Bath House, near the Warm Springs, is now completed, and will, it is confidently believed, ere long, become a source of revenue to the state.

It is highly desirable that the capitalists of this state should introduce machinery for the manufacturing of all kinds of machinery, that will hereafter be wanted for factories, &c., also stoves, and other articles of heavy exportation should be manufactured by our own enterprize and industry. Incalculable benefits would result to this community, if they would engage in almost every kind of manufacture, not only iron, but paper, books, woollen cloth, leather, crockery, stone-ware, and sugar. Upon this last named article I will submit a single estimate for your consideration. Not more than twenty thousand persons would use 456,250 pounds, allowing only one ounce a day to each person; the expense of the transportation alone, at the low rate of ten cents a pound, would amount to \$45,625; a sum adequate to construct the most extensive sugar manufactory; and when considered in connection with the superior quality of the beet, and facility with which it can be raised in these valleys, renders it most suicidal policy for us to be dependent upon other than our own resources for that article.

In the neighborhood of what has usually been termed Little Salt Lake (now Iron county,) our exploring party of last winter, discovered inexhaustible beds of the very best of iron ore. A settlement is now being made at that point.

There is no doubt but that the demand and price consequent upon the distance of any successful competition, will prove sufficient inducement for the capitalists to invest their means, in whatever will necessarily prove a safe investment and ensure an abundant return; any and all kinds of encouragement, by throwing around them an energetic and efficient government, should unquestionably be given. It is wisdom to let capital be associated in infant settlements, because there is a necessity for it, for a time; but to lay the foundation for monied capitalists to monopolize against labor, is no part of my policy, politics, or religion. To encourage enterprise in constructing works of magnitude, it may be well to grant privileges; but they should be so guarded, as to be made amenable to the power granting them, at all times, for the abuse of the powers granted, or diverting them to any other object than the one designed.

From this city, a railroad will most probably be constructed to Iron county, as also continuously to Southern California, terminating at San Diego. Whatever encouragement you may find it in your power to extend to an object so full of interest to our

citizens, I shall most readily acquiesce therein, being within the range of my constitutional duties.

Friends, I feel it a privilege, which I believe I appreciate, in having the opportunity I now enjoy, of addressing you upon Governmental affairs.

There are many, very many causes, conspiring together, which make it a subject of deep fraught interest, to behold as I do this day, in this mountainous and desert land, (where three years since, were only found the wild, ferocious beast and roving savage,) senators and representatives congregated in a comfortable public building, which would do credit to any state of a free, enlightened, and happy people. It is a subject of congratulation to me, to you my friends, and to the world, that the all-wise disposer of human events has so decreed in His providence that the desert and the solitary place shall be made glad, that the area of human freedom shall be extended, and civilization shall rear her habitations amid the silence of the eternal hills, the mighty forests, and lonely islands of the sea. It is this that has peopled the Atlantic slope of our mountains, furnishing the world with this vast republic of nations, and is now gathering in her fist a few more, to throw over to the Pacific slope, as a counterpoise to trim her otherwise unequally balanced ship of state.

DESERET is not yet three years old, and yet such has been the rapidity of her growth, the extent of her improvements, and the development of her resources, as to command the admiration, and the respect of all whose lot has been cast within her bounds, and those afar off, hearing the glad tidings, are stretching forth their itching palms towards another of those free states where the oppressed go free, and the poor, through ordinary industry, find ample provision.

Forgive a single allusion to the past. The oppressed became the oppressor, and the oppressed again go forth to form new communities, new settlements, and new governments. Hence are we here, amid these vast mountains and solitary plains; hence are we here, assembled in solemn council to frame laws for the organization and rule of communities; and, what gives zest to the picture, devise such laws and regulations as shall perpetuate, guarantee, and sustain, in time to come, our free and glorious institutions to the latest generation.

Friends, in all your deliberations, I shall be happy to participate, so far as it shall be my privilege, and hoping that unanimity and zeal, wisdom and intelligence, may characterize your exertions for the public good the ensuing session, that when you return, you may be enabled to carry with you the proud conviction of having faithfully discharged your duty to your country and yourselves, is the prayer of

Your co-laborer,
BRIGHAM YOUNG.

ORDINANCES.

PASSED BY THE GENERAL ASSEMBLY OF THE
STATE OF DESERET

AN ORDINANCE, to provide for the organization of Iron County. Passed, Dec. 3, 1850.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that all that portion of country, lying in the southeast corner of the Great Basin; and being south of the divide between Beaver Creek and the Sevier River, and east of the Desert Range, extending south to the rim of the Basin, and east to the Wasatch Range of mountains; be and the same is hereby known and designated "Iron County."

Sec. 2. The Chief Justice of said County, is hereby appointed and authorized to organize said County. He shall cause notices of election to be made, and receive and open the returns of said election; qualify the officers elected according to law; approve of, and file their bonds in his office; and make return of his proceedings therein, as soon as practicable, being prior to the first day of June next.

Sec. 3. All officers elected and qualified under the provisions of this ordinance, shall hold their offices until superceded by due course of law. This ordinance to be in force from and after its passage, any law or ordinance to the contrary notwithstanding.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Dec. 9, 1850, BRIGHAM YOUNG, Gov.

Thomas Bullock, Clerk.

AN ORDINANCE, for the purpose of controlling the wood and timber; in the first Kanyon south of Mill Creek.

Passed, December 4, 1850.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that James Rawlins [James H. Rollins?] is hereby granted the exclusive privilege of making a road, and controlling the wood and timber in the first Kanyon south of Mill Creek Kanyon.

Sec. 2. Be it further ordained, that said James Rawlins is authorized to charge not to exceed twenty-five cents per load for wood, or timber, hauled out of said Kanyon; on condition that said Rawlins shall keep in good order a road into said Kanyon, and see that the timber and wood in said Kanyon are not wasted.

Sec. 3. Be it further ordained, that said Rawlins shall not

receive toll on said road, or Kanyon, after he shall have received the amount by toll which he may have expended in time, and means to open said Kanyon, and keeping said road in repair; and that the said Rawlins is required to make out an annual report of receipts and expenditures on said Kanyon, and report them to the Auditor of Public Accounts, on the first day of November in each year.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Dec. 9, 1850, BRIGHAM YOUNG, Gov.

Thomas Bullock, Clerk.

AN ORDINANCE, to control the waters of the Twin Springs, and Rock Spring, in Tooele Valley, and County; for mills and irrigating purposes.

Passed, December 4, 1850.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that Ezra T. Benson is hereby granted the exclusive privilege of controlling the waters in Tooele Valley, Tooele County, known as the Twin Springs; also the waters that issue from a Spring called the Rock Spring, in said Valley and County, for mills and irrigating purposes.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Dec. 9, 1850, BRIGHAM YOUNG, Gov.

Thomas Bullock, Clerk.

AN ORDINANCE, for the encouragement of stage lines being established.

Passed, Dec. 4, 1850.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that James A. Little, John M. Lytle, Horace S. Eldredge, George D. Grant, and Ferrymore [Feramorz] Little; have the entire control, and management of the stage route, from Ogden City and the settlements north, through Great Salt Lake City, Provo City, and Manti, to the County Seat of Iron County; and as soon as practicable, continuously, to intersect a stage route from Cahoon [Cajon] Pass, and San Diego in South California.

Sec. 2. The aforesaid persons, under the name and style of James A. Little & Co., are hereby constituted a body corporate, to carry into execution the aforesaid enterprise, and with power to sue and be sued, plead and be impleaded, defend and be defended,

in any Court of law or equity, whatsoever; and shall continue with full powers with the aforesaid privileges, for the term of twenty years, next ensuing from the first day of January, 1851.

Sec. 3. In condition of the above privileges, the said Company are hereby required to put upon the routes aforesaid from Ogden City, or the northern settlements in the State of Deseret, by way of Great Salt Lake City, Provo and Manti Cities, terminating at the County Seat of Iron County; good and suitable stages or carriages, and animals the ensuing season, commencing as soon as practicable in the Spring, and for the first year pass the routes in each direction once a month; the second year, semi-monthly; and after that, weekly; having the privilege of passing the routes, or any part of them, oftener, if the Company see proper, or public necessity require it.

Sec. 4. The said Company shall furnish teams adequate to the service, with steady and experienced drivers; and have the privilege of receiving not exceeding ten cents per mile for each passenger, with baggage not to exceed ten pounds weight; which may hereafter be increased at the discretion of the Legislature; and shall use due diligence to convey passengers and packages safe, and speedy, to their destination; and moreover, be responsible in all cases for carelessness or neglect of duty of any one of the Company, or any person in their employ.

Sec. 5. The said Company shall also have the privilege of receiving not exceeding ten cents per pound per hundred miles, for any extra baggage, or packages, weighing one pound and upwards; and shall keep books at each station, in which they shall enter the names of the passengers, where from, and their destination; as also a correct account of baggage, or packages sent, the price, &c.—and accompanying the same with a way-bill from each station, in which shall be entered the aforesaid particulars.

JEDEDIAH M. GRANT,
Speaker of the House of Representatives.

HEBER C. KIMBALL,
Speaker of the Senate.

Approved, Dec. 9, 1850, BRIGHAM YOUNG, Gov.
Thomas Bullock, Clerk.

TO THE GENERAL ASSEMBLY OF THE STATE OF
DESERET:

Gentlemen:—The undersigned, humbly prays your Honorable Body to grant unto him the exclusive control over the timber, rocks, minerals and water, in the City Creek Kanyon, as far as

your jurisdiction extends; in order that the water may be continued pure unto the inhabitants of Great Salt Lake City; and he agrees to pay into the Treasury of the State, such sum as shall be an equivalent for the timber, rocks, and minerals, between the dividing ridges running down to said Creek, as shall be the valuation of the same; to be decided by a Committee of three, or such other Committee as shall be agreed upon by your Honorable Body.

And your petitioner will ever pray, that justice and judgment may be in you all continually. BRIGHAM YOUNG.

G. S. L. City, November 23, 1850.

AN ORDINANCE, granting the petition of Brigham Young.

Passed, Dec. 4, 1850.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that the petition of Brigham Young, praying for the privilege and control of City Creek, and Kanyon; be granted as set forth in said petition. And, that he pay into the Public Treasury the sum of five hundred dollars therefor.

JEDEDIAH M. GRANT,
Speaker of the House of Representatives.

HEBER C. KIMBALL,
Speaker of the Senate.

Approved, Dec. 9, 1850, BRIGHAM YOUNG, Gov.
Thomas Bullock, Clerk.

AN ORDINANCE, in relation to building a bridge across the Jordan River.

Passed, Dec. 5, 1850.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that the State Commissioner is hereby authorized to let a contract for building a toll bridge, across the Jordan River, at or near Smith and Gardiner's mills on said river; if, in his opinion, the public good requires it, upon such terms and regulations as he shall see proper, and make report of his doings herein, to the Auditor of Public Accounts, on or before the first Monday in October next.

JEDEDIAH M. GRANT,
Speaker of the House of Representatives.

HEBER C. KIMBALL,
Speaker of the Senate.

Approved, Dec. 9, 1850, BRIGHAM YOUNG, Gov.
Thomas Bullock, Clerk.

AN ORDINANCE, appointing an Assessor and Collector, and assessing the County and State tax for the year 1851.

Passed, January 6, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that a tax of two cents upon each dollar's worth of taxable property, in this State, be assessed and collected for the year 1851.

Sec. 2. The Assessor and Collector is hereby authorized and required to collect all delinquent taxes.

Sec. 3. All property and money not otherwise exempt by law being in said State, for the term of three months next preceding said assessment, shall be liable to taxes; and no merchant, or other person having goods or merchandize to sell, shall be permitted to offer the same for sale, without first securing the right, by paying the aforesaid assessment, without regard to the aforesaid specified term of three months.

Sec. 4. Horace S. Eldredge, of Great Salt Lake City, is hereby appointed to assess and collect the taxes, for the State of Deseret, for the year 1851; and he is hereby required to make his returns to the Auditor of Public Accounts, on or before the first day of November next.

Sec. 5. It shall be the duty of the Assessor and Collector, to carry out in separate columns, opposite their respective names, the road tax of each County, and deposit the same with the County Clerk of their respective Counties.

JEDEDIAH M. GRANT,
Speaker of the House of Representatives.

HEBER C. KIMBALL,
Speaker of the Senate.

Approved, Jan. 9, 1851, BRIGHAM YOUNG, Gov.
Thomas Bullock, Clerk.

AN ORDINANCE, granting Little Cottonwood Kanyon, to Benjamin L. Clapp and Charles Drown.

Passed, Jan. 7, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that the exclusive right to control the waters in Little Cottonwood Kanyon, is hereby granted to Benjamin L. Clapp and Charles Drown, for mill purposes.

Sec. 2. Said Clapp and Drown are required to make and keep in good repair, a road into said Kanyon, to the acceptance of the State Commissioner of roads.

Sec. 3. After said road has been accepted, they (the said Clapp and Drown) may charge not to exceed twenty-five cents per load, for wood and poles that may be taken from the Kanyon, over said road.

Sec. 4. Said Clapp and Drown are required to keep an accurate account of all receipts and expenditures on said road, and report the same to the Auditor of Public Accounts, on or before the first day of November annually.

Sec. 5. Whenever the reports to the Auditor of Public Accounts, shall show that the receipts have cancelled the expenditures on said road, it shall be free to the public.

Sec. 6. Said Clapp and Drown may have exclusive control of the timber, to supply a saw mill that they may erect on said Creek.

Sec. 7. Nothing herein contained, shall be so construed as to prevent the waters of said Creek, to be used for irrigating purposes when necessary.

JEDEDIAH M. GRANT,
Speaker of the House of Representatives.

HEBER C. KIMBALL,
Speaker of the Senate.

Approved, Jan. 9, 1851, BRIGHAM YOUNG, Gov.
Thomas Bullock, Clerk.

AN ORDINANCE, granting the waters of North Mill Creek Kanyon, and the waters of the next Kanyon north, to Heber C. Kimball.

Passed, Jan. 8, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that Heber C. Kimball, have the exclusive privilege of conveying the waters of North Mill Creek Kanyon, and the waters of the Kanyon next north, to wit:—about half a mile distant, to some convenient point below the mouth of the two Kanyons, and of appropriating the same to the use of a saw mill, grist mill, and other machinery.

Sec. 2. Nothing herein contained shall prevent the waters aforesaid, from being used, whenever and wherever it is necessary for irrigating.

JEDEDIAH M. GRANT,
Speaker of the House of Representatives.

HEBER C. KIMBALL,
Speaker of the Senate.

Approved, Jan. 9, 1851, BRIGHAM YOUNG, Gov.
Thomas Bullock, Clerk.

AN ORDINANCE, to incorporate Great Salt Lake City.

Passed, January 9, 1851.*

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that all that district of country embraced in the follow-

*See text, note 103.

ing boundaries, to wit:—beginning at the south-east corner of the Church Pasture, about half a mile north of the Hot Spring; thence west to the west bank of the Jordan River; thence south, up the west bank thereof, to a point in said bank, directly west from the south-west corner of the five acre lots, south of said City; thence east to the aforesaid south-west corner of said five acre lots, and along the south line thereof; thence east to the base of the mountains; thence directly north to a point directly east of the south-east corner of the Church Pasture; thence west to the place of beginning:—including the present surveys of said City, shall be known and designated as Great Salt Lake City; and the inhabitants thereof, are hereby constituted a body corporate and politic, by the name aforesaid—and shall have perpetual succession, and may have, and use a *common seal*—which they may change and alter at pleasure.

Sec. 2. The inhabitants of said City, by the name and style aforesaid, shall have power to sue and be sued; to plead and be impleaded; defend and be defended; in all Courts of law and equity; and in all actions whatsoever, to purchase, receive, and hold property, real and personal, in said City; to purchase, receive, and hold real property beyond the City, for burying grounds, or other public purposes, for the use of the inhabitants of said City; to sell, lease, convey, or dispose of property, real and personal, for the benefit of said City; to improve and protect such property, and to do all other things in relation thereto, as natural persons.

Sec. 3. There shall be a City council, to consist of a mayor, four aldermen, and nine counsellors; who shall have the qualifications of electors of said City, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Sec. 4. The mayor, aldermen, and counsellors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation, that they will support the Constitution of the United States, and of this State; and that they will well and truly perform the duties of their offices, to the best of their skill and abilities.

Sec. 5. On the first Monday of April next, and every two years thereafter, on said day, an election shall be held for the election of one mayor, four aldermen, and nine counsellors; and at the first election under this ordinance, three judges shall be chosen, *viva voce*, by the electors present. The said judges shall choose two clerks; and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation, such as is now required by law to be taken by judges and clerks of other elections;

and at all subsequent elections. The necessary number of judges and clerks shall be appointed by the City council. At the first election so held, the polls shall be opened at nine o'clock a. m., and closed at six o'clock p. m. At the close of the polls, the votes shall be counted, and a statement thereof proclaimed at the front door of the house, at which said election shall be held; and the clerks shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election; and each person so notified, shall within ten days after the election, take the oath or affirmation herein before mentioned. A certificate of which oath shall be deposited with the recorder, whose appointment is herein after provided for; and be by him preserved. And all subsequent elections shall be held, conducted, and returns thereof made, as may be provided for by ordinance of the City council.

Sec. 6. All free white male inhabitants, who are of the age of twenty-one years, who are entitled to vote for State officers, and who shall have been actual residents of said City, sixty days next preceding said election, shall be entitled to vote for City officers.

Sec. 7. The City council shall have authority to levy and collect taxes for City purposes, upon all taxable property, real and personal, within the limits of the City, not exceeding one-half per cent per annum, upon the assessed value thereof; and may enforce the payment of the same, in any manner to be provided by ordinance, not repugnant to the Constitution of the United States, or of this State.

Sec. 8. The City council shall have power to appoint a recorder, treasurer, assessor and collector, marshall, and supervisor of streets. They shall also have the power to appoint all such other officers by ordinance, as may be necessary; define the duties of all City officers, and remove them from office at pleasure.

Sec. 9. The City council shall have power to require of all officers, appointed in pursuance of this ordinance, bonds with penalty and security, for the faithful performance of their respective duties, such as may be deemed expedient; and also to require all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

Sec. 10. The City council shall have power and authority to make, ordain, establish, and execute all such ordinances, not repugnant to the Constitution of the United States, or of this State, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of said City,—for the protection of property therein, from destruction by fire or otherwise; and for the health and happiness thereof. They shall have power to fill all vacancies that may happen by death, resignation or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established;

to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office in or under the corporation, or for misconduct therein; to divide the City into wards, and specify the boundaries thereof, and create additional wards; to add to the number of aldermen and counsellors, and apportion them among the several wards, as may be just, and most conducive to the interest of the City.

Sec. 11. To establish, support, and regulate common schools; to borrow money on the credit of the City,—provided that no sum or sums of money be borrowed on a greater interest than six per cent per annum,—nor shall the interest on the aggregate of all the sums borrowed, and outstanding, ever exceed one-half of the City revenue, arising from taxes assessed on real estate within this corporation.

Sec. 12. To make regulations to prevent the introduction of contagious diseases into the City, to make quarantine laws for that purpose, and enforce the same.

Sec. 13. To appropriate and provide for the payment of the expenses and debts of the City.

Sec. 14. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and to prevent and remove the same.

Sec. 15. To provide the City with water; to dig wells, lay pump logs, and pipes, and erect pumps in the streets, for the extinguishment of fires, and convenience of the inhabitants.

Sec. 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve, and keep in repair, streets, avenues, lanes and alleys; and to establish erect and keep in repair aqueducts and bridges.

Sec. 17. To provide for the lighting of the streets, and erecting lampposts; and establish, support and regulate night watches; to erect market houses, establish markets and market places, and provide for the government and regulations thereof.

Sec. 18. To provide for erecting all needful buildings for the use of the City; and for enclosing, improving, and regulating all public grounds, belonging to the City.

Sec. 19. To license, tax and regulate auctioneers, merchants, and retailers, grocers and taverns, ordinaries, hawkers, peddlers, brokers, pawn-brokers, and money-changers.

Sec. 20. To license, tax and regulate hacking, carriages, wagons, carts and drays; and fix the rates to be charged for the carriage of persons, and for wagonage, cartage and drayage of property; as also to license and regulate porters, and fix the rates of portage.

Sec. 21. To license, tax and regulate theatricals, and other exhibitions, shows and amusements.

Sec. 22. To tax, restrain, prohibit, and suppress tippling houses, dram shops, gaming houses, bawdy, and other disorderly houses.

Sec. 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys, and the flues thereof, and stove pipes, and to organize and establish fire companies.

Sec. 24. To regulate the storage of gunpower, tar, pitch, rosin, and other combustible materials.

Sec. 25. To regulate and order parapet walls, and other partition fences.

Sec. 26. To establish standard weights and measures and regulate the weights and measures to be used in the City, in all other cases not provided for by law.

Sec. 27. To provide for the inspection and measuring of lumber, and other building materials; and for the measurement of all kinds of mechanical work.

Sec. 28. To provide for the inspection and weighing of hay, lime, and stone coal; measuring of charcoal, firewood, and other fuel, to be sold or used within the City.

Sec. 29. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal; also beer, and whiskey, brandy, and all other spirituous or fermented liquors.

Sec. 30. To regulate the weight, quality, and price of bread, sold and used in the City.

Sec. 31. To provide for taking the enumeration of the inhabitants of the City.

Sec. 32. To fix the compensation of all City officers; and regulate the fees of jurors, witnesses, and others, for services rendered, under this, or any City ordinance.

Sec. 33. The City council shall have exclusive power within the City by ordinance, to license, regulate, suppress, or restrain billiard tables, or from one to twenty pin alleys; and every other description of gaming or gambling.

Sec. 34. The City council shall have exclusive power within the City by ordinance, to license, regulate, or restrain, the keeping of ferries, and toll bridges; to regulate the police of the City; to impose fines, forfeitures, and penalties, for the breach of any ordinance; and provide for the recovery of such fines and forfeitures; and the enforcement of such penalties, and to pass such ordinances as may be necessary and proper for carrying into effect and execution, the powers specified in this ordinance, provided such ordinances are not repugnant to the Constitution of the United States, or of this State.

Sec. 35. All ordinances passed by the City council, shall, within one month after they shall have been passed, be published in some newspaper, printed in said City, or certified copies thereof, be posted up in eight of the most public places in the City.

Sec. 36. All ordinances of the City may be proven by the seal of the corporation; and when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation; the same shall be received in evidence in all courts, or places without further proof.

Sec. 37. The mayor and aldermen, shall be conservators of the peace within the limits of the City; and shall have all the powers of justices of the peace therein, both in civil and criminal cases, arising under the laws of the State. They shall, as justices of the peace, within the limits of said City, perform the same duties, be governed by the same laws, give the same bonds and securities, as other justices of the peace, and be commissioned as justices of the peace, in and for said City, by the Governor.

Sec. 38. The mayor shall have exclusive jurisdiction in all cases, arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of said City, to the municipal court under such regulations, as may be presented by ordinance; which court shall be composed of the mayor, as chief justice, and the aldermen, as associate justices; and from the final judgment of the municipal court, to the county court of Great Salt Lake county, in the same manner as appeals are taken from justices of the peace; provided the parties litigant shall have a right to a trial by a jury of twelve men, in all cases before the municipal court. The municipal court shall have power to grant writs of Habeas Corpus, and try the same, in all cases arising under the ordinances of the City council.

Sec. 39. The municipal court shall sit on the first Monday of every month, and the City council, at such times and places as may be prescribed by City ordinance, special meetings of which may at any time be called by the mayor or any two aldermen.

Sec. 40. All process issued by the mayor, aldermen, or municipal court, shall be directed to the marshall, and in the execution thereof, he shall be governed by the same laws, as are or may be prescribed for the direction and compensation of constables in similar cases. The marshall shall also perform such other duties as may be required of him under the ordinances of said City; and shall be the principal ministerial officer.

Sec. 41. It shall be the duty of the recorder, to make and keep accurate records of all ordinances, made by the City council, and of all their proceedings in their corporate capacity; which record shall, at all times, be open to the inspection of the electors of said city, and shall perform all other duties, as may be required of him by the ordinances of the City council, and shall serve as clerk of the municipal court.

Sec. 42. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue, or alley; the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the City.

Sec. 43. All jurors empanelled to enquire into the amount of benefits or damages, that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, signed by each juror.

Sec. 44. In case the mayor shall, at any time, be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, mal-conduct, or partiality, in the discharge of the duties of his office, he shall be liable to indictment in the county court of Great Salt Lake county; and on conviction, he shall be liable to fine and imprisonment; and the court shall have power on the recommend of the jury to add to the judgment of the court, that he be removed from office.

Sec. 45. The City council shall have power to provide for the punishment of offenders and vagrants, by imprisonment in the county or city jail, or by compelling them to labor upon the streets, or other public works, until the same shall be fully paid; in all cases where such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

Sec. 46. The inhabitants of Great Salt Lake City shall, from and after the next ensuing two years, from the first Monday of April next, be exempt from working on any road or roads, beyond the limits of said City. But all taxes devoted to road purposes, shall, from and after said term of two years, be collected and expended by, and under the direction of the supervisor of streets, within the limits of said City.

Sec. 47. The mayor, aldermen, and counsellors of said City shall, in the first instance, be appointed by the Governor and Legislature of said State of Deseret; and shall hold their office until superceded by the first election.

Sec. 48. This ordinance is hereby declared to be a public ordinance, and shall be in force from and after its passage.

JEDEDIAH M. GRANT,
Speaker of the House of Representatives.

HEBER C. KIMBALL,
Speaker of the Senate.

Approved, Jan. 19, 1851, BRIGHAM YOUNG, Gov.
Thomas Bullock, Clerk.

AN ORDINANCE, in relation to the timber in the mountains, west of Jordan.

Passed, Dec. 3, 1850.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that the exclusive control of the timber in the Kanyons on the east side of the range of mountains west of Jordan, in Great Salt Lake County, is hereby granted to George A. Smith, who is hereby authorized to control the timber in said Kanyons, to work roads into them; and to direct when, where, and by whom, timber may be taken out therefrom.

Sec. 2. Be it ordained, that any person getting timber from said Kanyons, shall be required to keep the roads clear, and to pay in labor, or otherwise, for the use of the private roads leading to the timber; and any person wasting, burning, or otherwise destroying the timber, shall be subject to all damages, and to a fine, not exceeding one hundred dollars, at the discretion of the court having jurisdiction.

Sec. 3. No person shall be allowed to cut timber in any place in these Kanyons, without permission from the proprietor, who is hereby authorized to give directions accordingly.

Sec. 4. Any person cutting timber or wood in the above Kanyons, and leaving it on the ground an unreasonable time, the proprietor of said Kanyons shall have the privilege to remove said wood and timber, and dispose of it; and the avails paid into the public treasury.

Sec. 5. Nothing in the above ordinance shall be so construed as to prevent, or hinder the citizens of said county from getting timber, wood, or poles, in any of said Kanyons, for their own use, by observing the above regulations.

JEDEDIAH M. GRANT,
Speaker of the House of Representatives.

HEBER C. KIMBALL,
Speaker of the Senate.

Approved, Jan. 9, 1851, BRIGHAM YOUNG, Gov.
Thomas Bullock, Clerk.

AN ORDINANCE, in relation to the timber in the Kanyons and Mountains leading into Tooele Valley, and the Kanyons between Salt Lake Valley and Tooele.

Passed, Dec. 3, 1850.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that the exclusive control of the timber in the Kanyons and mountains leading into Tooele valley, and the Kanyons between Salt Lake valley and Tooele, is hereby granted to Ezra T. Benson,

who is hereby authorized to control said Kanyons, to work roads into them, and to direct when, where, and by whom, timber may be taken out therefrom.

Sec. 2. Be it ordained, that any person getting timber from said Kanyons, shall be required to keep the roads clear, and to pay in labor, or otherwise, for the use of the private roads leading to the timber; and any person wasting, burning, or otherwise destroying the timber; shall be subject to all damages, and to a fine not exceeding one hundred dollars, at the discretion of the court having jurisdiction.

Sec. 3. No person shall be allowed to cut timber, in any place in these Kanyons, without permission from the proprietor; who is hereby authorized to give directions accordingly.

Sec. 4. Any person cutting timber, or wood, in the above Kanyons, and leaving it on the ground, an unreasonable time; the proprietor of said Kanyon shall have the privilege to remove said wood and timber, and dispose of it; and the avails paid into the public treasury.

Sec. 5. Nothing in the above ordinance shall be so construed as to prevent, or hinder the citizens of said counties from getting timber, wood, or poles, in any of said Kanyons, for their own use, by observing the above regulations.

JEDEDIAH M. GRANT,
Speaker of the House of Representatives.

HEBER C. KIMBALL,
Speaker of the Senate.

Approved, Jan. 9, 1851, BRIGHAM YOUNG, Gov.
Thomas Bullock, Clerk.

AN ORDINANCE, in relation to county courts.

Passed, January 6, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that the county court shall hold, in their respective counties, a semi-annual session, commencing the first Monday of March next.

Sec. 2. The county court shall, at their March term or session, appoint the judges of election, and jurors for the then current and ensuing year, to hold over until their successors are appointed and qualified. The grand inquest for the county, for the next two ensuing regular sessions, and the petit jurors the next ensuing session; and the county court shall, at their October term, select the petit jurors for the next ensuing March session.

Sec. 3. It shall be the duty of the county court, at their March term, to take into consideration the situation of the affairs of the county; to settle with the commissioner, and the assessor and collector; assess the tax for the year ensuing, and generally to do and

perform the county business for the year: nevertheless, from and after the first term of said court, to be holden on the first Monday of March next, they shall have power to try causes, the same in all respects whatever, as is now provided in the act concerning the judiciary, passed January 9, 1850.

Sec. 4. It shall be the duty of the county clerk to settle with the commissioner, assessor and collector; and to show a correct exhibit of the fiscal affairs of the county, at the beginning of the March term; and to facilitate said settlement of the fiscal affairs of said county, it shall be the duty of all officers of said county, in any wise handling the public funds, and all persons having claims against said county, to make out and deliver into the hands of the county clerk, all claims against said county, on or before the first Monday of October in each year; and full and ample reports on or before the first Monday in December in each year.

Sec. 5. The county clerks shall make out and deliver into the hands of the county commissioner, abstracts from the assessor and collector's book of the road tax in their respective counties, in a line opposite the names against whom the same may be assessed, taking his receipt therefor; and it shall be the duty of the said commissioner to furnish one copy of the same to each supervisor of roads, of all the names in their respective districts.

Sec. 6. The county courts in their respective counties, from and after the current year, shall assess the county tax; and the same, together with the State tax, shall be assessed and collected by the county assessor and collector:—the county tax to be paid into the county treasury; and the State tax to be paid into the State treasury; and the county assessor and collector shall make a full and concise report, and return the same to the Auditor of Public Accounts, on or before the first Monday of November in each year; and shall moreover pay into the State treasury, all State funds collected by him semi-annually, on or before the first Monday in November as aforesaid; and on or before the first Monday in March in each year.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Jan. 9, 1851, BRIGHAM YOUNG, Gov.

Thomas Bullock, Clerk.

AN ORDINANCE, in relation to a road tax, and Supervisors.

Passed, January 6, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that each and every able bodied male person over eighteen years of age, having a residence of three months in this

State, shall pay a poll tax of one day's labor yearly upon the roads or highways.

Sec. 2. All taxable property within this State, shall also be liable to a tax for road purposes, and may be assessed by the county court in each county, at their regular March term or session, in each year; provided they shall not assess a tax of more than half per cent, or at the rate of more than one day's labor for every three hundred dollars' worth of property.

Sec. 3. The poll tax and all assessment of tax for road purposes, may be paid in labor upon the roads and highways, at the rate of ten hours good, and faithful labor for each day assessed, or commute the same by paying into the hands of the county commissioner, or the supervisor of the precinct, in which he, she, or they do reside, one dollar and fifty cents for each and every day's labor so assessed.

Sec. 4. Each precinct shall be considered a road district, until otherwise ordered by the county court; and in all such precincts or road districts, where there is no supervisor, they shall appoint one, who shall hold his office until superseded by an election.

Sec. 5. It shall be the duty of the county commissioners in their respective counties, to open and keep in good repair all public roads and bridges, so far as the labor and means hereby devoted to road purposes will allow; and the supervisors of roads are hereby required to expend the labor and means of their respective districts for road purposes, under the direction and general superintendence of the said county commissioner, or pay over into his hands the residue of all means by them collected; and it shall be the duty of the county commissioner, to make out and deliver to the county court at their March term annually, a full and complete report of all sums, either in labor, money, or otherwise received by him, and the disbursements of the same.

Sec. 6. Any person liable to the aforesaid tax, who shall refuse or neglect to perform the labor herein required, or pay in lieu thereof the sum herein specified, when required by the supervisor of the district, or the county commissioner of their county after they have received reasonable notice of the time and place where said labor may be expended, or money paid, shall forfeit and pay for each offence twice the amount of the tax required, together with the costs of court, which amount may be recovered before any justice of the peace, or court having jurisdiction.

Sec. 7. It shall be the duty of the supervisors of road districts, to prosecute all delinquents in their respective districts, and for failing to do so, they shall be liable to pay twice the amount lost, by or through his or their neglect, and it is hereby made the duty of the county commissioner, to settle with each and every supervisor, on or before the first day of December in each year, and

prosecute all delinquent supervisors, before the county court, who refuse or neglect to comply with the requirements of this ordinance.

JEDEDIAH M. GRANT,
Speaker of the House of Representatives.

HEBER C. KIMBALL,
Speaker of the Senate.
Approved, Jan. 9, 1851, BRIGHAM YOUNG, Gov.
Thomas Bullock, Clerk.

AN ORDINANCE, for establishing Probate Courts, and defining the duties thereof.

Passed, Jan. 16, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that a court of probate shall be organized in each county of this State, and consist of one judge, who shall be elected by joint vote of both Houses of the General Assembly, for the same time, and for the same term, as the chief justice for the county courts; and shall take an oath of office, and file a bond in the office of the clerk of the supreme court, for the faithful performance of his official duties, with approved securities, in the sum of ten thousand dollars; which bond may be increased when the court shall deem it necessary.

Sec. 2. The judge of probate shall have power to take the probate of wills, and grant administration of the estate, of all deceased persons, who were at the time of their decease, inhabitants of, or residents in the same county, and of all who shall die without the State or county, leaving an estate within such county; and also to appoint guardians to minors and others.

Sec. 3. The judge of probate shall have jurisdiction of all matters relating to the settlement of the estates of such deceased persons, minors, and others, under guardianship.

Sec. 4. Judge of probate shall have power to issue all warrants and processes necessary to carry into effect the powers granted in this ordinance.

Sec. 5. It shall be the duty of any sheriff, deputy, or constable, to serve and execute all warrants and processes, to them directed, by the judges of probate of the county in which said officer resides.

Sec. 6. Each judge of probate shall make out transcripts in case of appeals, and record in books kept for that purpose, all the orders and decrees of court; and also all wills proved in court, with the probate thereof; all letters testamentary and of administration, and of all warrants, reports, returns, accounts, and bonds; and all other judicial proceedings of the court, which ought to be recorded.

Sec. 7. The supreme court shall be the supreme court of

probate, and have appellate jurisdiction of all matters determinable by the respective judges of probate.

Sec. 8. Any person aggrieved by any order, denial, sentence, or decree of a judge of probate, may appeal therefrom to the supreme court; provided that such appeal is claimed, and notice thereof is given at the probate office, within twenty days from the date of the proceedings appealed from.

Sec. 9. After an appeal is claimed, and notice thereof given at the probate office, all further proceedings in pursuance of the order, sentence, or decree appealed from, shall cease until the determination of the supreme court of probate shall be had thereon; provided, that nothing herein contained, shall be so construed as to hinder the disposal, or otherwise securing of perishable property.

Sec. 10. Said court shall hold a session at the county seat of their respective counties, on the first Monday of each month.

Sec. 11. The chief justice of each county may be appointed probate judge, for their respective counties.

JEDEDIAH M. GRANT,
Speaker of the House of Representatives.

HEBER C. KIMBALL,
Speaker of the Senate.
Approved, Jan. 19, 1851, BRIGHAM YOUNG, Gov.
Thomas Bullock, Clerk.

AN ORDINANCE, apportioning the representation of the State of Deseret.

Passed, Jan. 17, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that Great Salt Lake County shall be entitled to elect nine senators, and twenty representatives, to the General Assembly of said State. Davis county, one senator and two representatives; Weber county, two senators and four representatives; Utah county, two senators and four representatives; San-Pete county, one senator and two representatives; Iron County, one senator and two representatives; Tooele county, one senator and one representative. The foregoing apportionment shall continue until the census shall have been taken, when a new apportionment shall be made.

Sec. 2. It is hereby made the duty of the county clerks in their respective counties, to include in the election notices, all the offices which are to be filled, and issue a writ of election to the sheriff of the county, four weeks next preceding all or any regular election.

Sec. 3. The Sheriff shall post up, in at least eight public places in his county, copies of such notices, at least twenty days previous

to said election; and cause the same to be published in any newspaper in the county, if there be one.

JEDEDIAH M. GRANT,
Speaker of the House of Representatives.

HEBER C. KIMBALL,
Speaker of the Senate.

Approved, Jan. 19, 1851, BRIGHAM YOUNG, Gov.
Thomas Bullock, Clerk.

CRIMINAL LAWS OF THE STATE OF DESERET.—

Passed, January 16, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that if any person or persons shall, with premeditated intent, unlawfully kill a human being, in this State, they shall be deemed guilty of murder, and on conviction of the same, before a court having jurisdiction thereof, shall suffer death.

Sec. 2. Be it further ordained, that if any person or persons shall be accessory to murder before the fact, he or they shall, on conviction thereof, suffer as the principal.

Sec. 3. Be it further ordained, that if any person or persons shall be accessory to murder after the fact, by aiding the accused in any manner to escape the ends of justice, they shall be deemed guilty of a high misdemeanor, and shall be fined, or imprisoned, or both, at the discretion of the court.

Sec. 4. Be it further ordained, that if any person or persons shall unlawfully kill a human being, in this State, without malice, either expressed or implied, during a sudden heat of passion, they shall be guilty of manslaughter, and on conviction thereof, be punished by imprisonment, or fine, or both, at the discretion of the court.

Sec. 5. Be it further ordained, that if any person or persons shall administer any drug, medicine, herb, root, acid, or any thing possessing poisonous qualities, with criminal intent, whereby any person or persons shall be poisoned thereby, and death ensues; they shall be guilty of murder, and on conviction thereof, shall suffer death.

Sec. 6. Be it further ordained, that if any person or persons shall administer poison as prescribed in the foregoing section, with criminal intent, and death does not ensue; they shall be deemed guilty of a high misdemeanor, and on conviction thereof, shall be fined, or imprisoned, or both, as the court may direct.

Sec. 7. Be it further ordained, that if any doctor, physician, apothecary, or any other person, shall give, communicate, or administer; or by their influence, counsel, advice, persuasion, suggestion, or by any means whatsoever, give or cause to be given, by themselves directly or indirectly, or through the aid or medium

of any other person or persons agency or means whatsoever, any deadly poison, whether animal, mineral, or vegetable; such as quicksilver, arsenic, antimony, or any mercurial, arsenical, or antimonial preparations therefrom; or cicuta, deadly night-shade, henbane, opium, or any of the diversified preparations therefrom; or any drugs, medicines, and other preparations, such as chloroform, ether, exhilarating gas, calculated in their nature to destroy sensibility, from any other poisonous minerals or vegetables, to any citizen of the State of Deseret, whether sick or well, old or young, man, woman, or child, under pretence of curing disease, or from any other real or pretended cause, influence, argument, or from any design or purpose whatsoever, without first explaining, fully, definitely, critically, simply, and unequivocally to the patient, and surrounding friends and relatives, such as father, mother, husband, wife, children, guardian, or others as the case may be, and in plain, simple, English language the specific nature, operation and design of said poison or poisonous preparation, about to be, or intended to be given, and procuring the unequivocal approval, approbation and consent of the patient, if of mature years and sound mind, and of the parents, guardians, or other friends, to the giving, administering, or communicating said poison so intended; said doctor, physician, apothecary, person or persons so administering said poison, without the full and free assent of said patient, and friends, shall be adjudged guilty of a high misdemeanor, and be punishable in any sum not less than one thousand dollars, and be imprisoned or confined to hard labor for any time not less than one year: and if the death of the patient or person, so receiving the poison as above specified, shall follow the taking the same, without being made acquainted with the nature thereof; then the doctor, physician, apothecary, person or persons so giving or causing to be given said poison, shall be adjudged guilty of manslaughter, or murder as the case may be, by any court having jurisdiction, and be punished according to ordinance for such crimes:—

Provided, that the administration of poisons, as specified in the foregoing section, and the penalties thereof, shall not attach to doctors, physicians, and apothecaries, having their own drugs, poisons, and medicines, accompanying, and administering to companies and individuals traveling through the State, the same not being citizens of the State; but all such doctors and companies so traveling, may administer to, and receive of their own drugs, poisons, or medicines, with good intent, on their own responsibility.

Sec. 8. Be it further ordained, that when the killing of a human being takes place unintentionally, as by accident; the slayer being engaged in doing a lawful act, the court, upon conviction of the fact, shall discharge the prisoner from further prosecution.

Sec. 9. Be it further ordained, that, if any person or persons

in the lawful defence, of their own life, or limb, or family, or their liberty, or his or their property, or in the defence of any public property, shall unavoidably take the life or lives of any person or persons, on proof of the same before the court; he, she, or they, shall be discharged from further prosecution.

Sec. 10. Be it further ordained, that when any person shall be found guilty of murder, under any of the preceding sections of this ordinance, and sentenced to die, he, she or they shall suffer death, by being shot, hung or beheaded.

Sec. 11. Be it further ordained, that, when any person or persons shall be found guilty of murder, and sentenced to die, as the penalty of that offence, by any court in this State having jurisdiction; the execution of the sentence shall be deferred, until a transcript of the proceedings and decision of said court, shall be furnished the executive of the State, and upon the acknowledgment of the receipt of the same to the clerk of the court having framed the judgment, and the acknowledgment of the same shall not be attended with a reprieve, commutation, or pardon; then, and in that case, the culprit shall suffer death, as the court may have directed.

Sec. 12. Be it further ordained, that if any person or persons shall, with criminal intent, set fire to, or cause the same to be done, to any building of any description, or to any fence, rick of grain, or hay, wagon, boat, vessel, raft, bridge or any description of property whatever, they shall be deemed guilty of a high misdemeanor, and upon conviction thereof, he, she, or they, shall be fined or imprisoned, or both, at the discretion of the court; and, if any person or persons shall set fire to any prairie or kanyon of timber, they shall, on conviction thereof, be guilty of a high misdemeanor, and shall be adjudged to pay all damages accruing thereby, and be fined or imprisoned, or both, at the discretion of the court.

Sec. 13. Be it further ordained, that if any person or persons shall unlawfully break into, or enter the yard or dwelling of any person, or into their enclosure, or wagon, boat, vessel, or tent, with a criminal intent of any kind; they shall be fined or imprisoned, or both, at the discretion of the court.

Sec. 14. Be it further ordained, that if any person shall swear falsely, with evil design, pertaining to any case in issue before any court, on conviction thereof, they shall be deemed guilty of perjury; and he or she shall be fined or imprisoned, or both, as the court may direct; and if any person or persons shall hire, or cause by any means whatsoever, any person to swear falsely in any case in issue before any court; they shall, on conviction thereof, be deemed guilty of perjury, and shall suffer the same penalty.

Sec. 15. Be it further ordained, that if any person or persons shall commit a forgery, by making or altering any instrument of

writing, or signature, or bank note, to the prejudice or injury of another, he, she, or they, on conviction thereof shall be fined or imprisoned, or both, as the court may direct.

Sec. 16. Be it further ordained, that if any person or persons shall make any spurious coin, of any kind, or shall knowingly have it in possession with an intent to pass, or shall be accessory to the same, or shall knowingly pass any counterfeit or illegal coin, to the injury of any person or persons, they shall, on conviction thereof, suffer fine and imprisonment, as the court may direct.

Sec. 17. Be it further ordained, that if any person shall fight a duel in this state, or shall go beyond the limits of this State, for the purpose of fighting a duel, and death shall ensue in consequence thereof, to either party; the surviving party shall be deemed guilty of murder, and punished accordingly.

Sec. 18. If any person in this State, shall send, accept, or knowingly bear a challenge for a duel, or meet for the purpose of fighting a duel, or be accessory thereto, or leave the State for that purpose, being residents of this State, shall, on conviction thereof, be deemed guilty of a high misdemeanor, and shall be fined or imprisoned, or both, at the discretion of the court.

Sec. 19. Be it further ordained, that if any person or persons shall swear, by the name of God, or Jesus Christ, in any manner using their names profanely, shall, for each offence, pay the sum of not less than five dollars, or be imprisoned at the discretion of the court.

Sec 20. Be it further ordained, that if any two or more persons shall assemble themselves together, in any disorderly manner, and disturb the peace, or molest the persons or property of any individual, or any passer by, or attempt the same; they shall be arrested forthwith by any of the officers of this State, or by any citizen if no officer is present, and they shall be deemed guilty of riot, and, on conviction thereof, be fined or imprisoned at the discretion of the court.

Sec. 21. Be it further ordained, that for an illegal trespass on the rights of another, the person so offending, on conviction thereof, shall be bound to make full restitution, and be fined or imprisoned, or both, at the discretion of the court.

Sec. 22. Be it further ordained, that if any person or persons shall have, or attempt to have a sexual intercourse with any of the brute creation, on conviction thereof, they shall be deemed guilty of a high misdemeanor, and be fined or imprisoned, or both, at the discretion of the court.

Sec. 23. Be it further ordained, that if any man or boy shall have, or attempt to have, any sexual intercourse with any of the male creation, on conviction thereof, they shall be deemed guilty of Sodomy, and be fined or imprisoned, or both, as the court may direct.

Sec. 24. If any man shall have sexual intercourse with any female not his wife, or shall seduce any female; or any person being accessory to the same, shall, on conviction thereof, be subject to imprisonment and hard labor not exceeding five years, and private damages, and a fine not exceeding five thousand dollars, at the discretion of the court; and any female seducing, or unlawfully cohabiting with a male, shall receive the same punishment.

Sec. 25. Be it further ordained, that if any man or boy shall force a woman or girl, to a sexual intercourse, or attempt the same with them, on conviction of the fact to the court, he shall be fined or imprisoned, or both, as the court may direct.

Sec. 26. Be it further ordained, that if any person or persons shall use any means by which an untimely birth of any child shall be had, or any pregnant woman shall be delivered, by which the death of one or either may be produced, unless the same shall be proven to have been done for the purpose of preserving the life of the mother, they shall be deemed guilty of murder, and upon conviction thereof, suffer the penalty as provided in the first section of this ordinance.

Sec. 27. Be it further ordained, that if any person or persons shall commit a robbery, by forcibly taking from the possession of another, any species of property, they shall, on conviction thereof, be fined or imprisoned, or both, at the discretion of the court.

Sec. 28. Be it further ordained, that if any person or persons shall steal any species of property whatever, or be accessory thereunto, he, she, or they shall, on conviction thereof, pay four fold, and be fined or imprisoned, or both, at the discretion of the court.

Sec. 29. Be it further ordained, that if any person or persons shall assault in any manner whatsoever, any person, or strike the same with an intent to maim them, in any manner, or injure any person, they shall, on conviction thereof, pay all damages sustained, and be fined or imprisoned, or both, at the discretion of the court.

Sec. 30. Be it further ordained, that if any officer in this State shall accept any bribe, by which he becomes a delinquent in the discharge of his duty, on conviction thereof, he shall forfeit his office, and ever after be incapacitated to hold any office in this State; and be fined or imprisoned, or both, at the discretion of the court.

Sec. 31. Be it further ordained, that if any person shall attempt to take forcibly any person from this State into another illegally, he shall, on conviction thereof, be fined or imprisoned, or both, at the discretion of the court.

Sec. 32. Be it further ordained, that if any person shall, through malice or revenge, cause any person to be illegally imprisoned, they shall, on conviction thereof, pay all damages to the person so imprisoned, and be fined or imprisoned, or both, at the discretion of the court.

Sec. 33. Be it further ordained, that if any person or persons shall, by deception, defraud another out of any money or species of property, they shall, on conviction thereof, be liable to restore four fold, and be fined or imprisoned at the discretion of the court.

Sec. 34. Be it further ordained, that the foregoing ordinance be in force from and after its passage.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Jan. 19, 1851, BRIGHAM YOUNG, Gov.

Thomas Bullock, Clerk.

AN ORDINANCE, pertaining to North Cottonwood Canyon.—

Passed, Jan. 15, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that Willard Richards have the exclusive right of working a road or roads into, or through the North Cottonwood Canyon, and control the same.

Sec. 2. Be it further ordained, that all contracts and acts pertaining to the price of lumber and rates of toll, as set forth in the petition, and granted unto Willard Richards in 1849, pertaining to North Cottonwood Canyon is hereby repealed.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Jan. 19, 1851, BRIGHAM YOUNG, Gov.

Thomas Bullock, Clerk.

AN ORDINANCE, in relation to the Militia of the State of Deseret.

Passed, Jan. 17, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that this State be divided into military districts, as follows; to wit:—The counties of Box-elder, Weber, Tooele, Utah, San Pete, and Iron, and all other counties that shall hereafter be organized into counties, shall each be a regimental district, and shall each be divided into company districts by the commandants of regiments; or in case there is no regiment, the commandants of battalions; and in case there is no battalion, then by the commandants of companies, in their respective districts, into company districts; and where there is no company, then the major general shall issue orders to some citizens, to organize said district.

Sec. 2. Great Salt Lake County shall be divided into two military districts: the first including all north from a line running east and west to the limits of said county; from the south line of Great Salt Lake City, and all south of said line, in said county, shall be the second district;—and it shall be the duty of the colonels of the first regiment of the first and second cohorts, to proceed immediately and divide into company districts, the aforesaid first and second districts of Great Salt Lake County.

Sec. 3. It shall be the duty of the officers respectively, hereby required to district into company districts, the aforesaid regimental districts, to proceed immediately to perform the same, and make report thereof to the adjutant general's office in G. S. L. City, as soon as practicable, being prior to the first day of June next.

Sec. 4. It shall be the duty of the commandants of companies, of battalions, and of regiments, in their respective districts, to enroll, and cause to be enrolled, in their respective companies or commands, the names of all and every person within the bounds, or who shall afterwards have come into the bounds of their respective districts to reside, being liable to perform military duty.

Sec. 5. In all such districts, all persons subject to military duty, shall be enrolled in the company of said district; provided, that said person or persons do not belong to, and do perform military duty in some other company, and produce a certificate of his enrollment from the captain of said company, that he or they may have joined by voluntary enrollment, and in case so many shall have joined by voluntary enrollment, some other company as aforesaid, so as not to leave a sufficient number in the said company district; then and in that case, two or more of said districts may be attached for the purpose of making up said company, until such time as said districts shall be able to furnish a sufficient number to constitute a company therein.

Sec. 6. It shall be the duty of the commandants of companies, to make out and deliver into the hands of the colonels of their respective regiments, a full, complete, and ample report of the number of men, number of arms, description thereof, amount of ammunition, and condition thereof, within five days after every company muster, together with a list of all who may have been delinquent at such muster. They shall also, in like manner, make due return of their respective companies, at all musters as herein provided.

Sec. 7. It shall be the duty of the commandants of companies, and of regiments, and of cohorts, and the commandants of the Legion in their respective commands, to carry into effect the militia laws of the State, and see that all delinquents, or delinquent officers, and officers having the collection of fines or forfeitures, do perform their duties respectively; and if any officer, whose duty it is to collect fines and forfeitures, shall neglect or fail in the discharge

of his duty, he shall be liable before a court martial, for neglect of duty; and may be liable for all sums lost in consequence of his failure or neglect, and to be cashiered at the discretion of the court.

Sec. 8. The quartermaster and commissary of the Legion, shall make out reports of all sums by them received and expended: as well as the amount contracted, as soon as practicable after each campaign or expedition; and return the same to the adjutant general's office; as also a full and ample report of all the expenditures of that nature, on or before the first day of November in each year.

JEDEDIAH M. GRANT,
Speaker of the House of Representatives.

HEBER C. KIMBALL,
Speaker of the Senate.

Approved, Jan. 19, 1851, BRIGHAM YOUNG, Gov.
Thomas Bullock, Clerk.

AN ORDINANCE, to incorporate Ogden City.*

Passed, February 6, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that all that district of Weber county embraced in the following boundaries, to wit:

Beginning at the base of the mountain due east of the present mill dam on Weber river, and running due west to the south end of said mill dam; thence continuing the same a due west course to a point due south of the confluence of the Weber and Ogden rivers; thence due north to the confluence of the said rivers to a point due west of the mouth of Ogden-hole Kanyon; thence east to the mouth of Ogden-hole Kanyon; then in a southerly direction, along the base of the mountain to the place of beginning; shall be known and designated under the name and style of Ogden City; providing the said City council shall have the jurisdiction over, and control of the water and timber adjacent upon said streams, from the mouth of the Ogden and Weber river Kanyons to the western boundary of said City.

* * * * *

Sec. 46. The inhabitants of Ogden City shall, from and after the next ensuing two years from the first Monday of April next, be exempt from working on any road or roads beyond the limits of said city; but all taxes devoted to road purposes shall, from and after said term of two years, be collected and expended by, and under the direction of the supervisor of streets, within the limits of said city.

*For the deleted sections, 2-45, see the Great Salt Lake City charter.

Sec. 47. This ordinance is hereby declared to be a public ordinance, and shall be in force from and after its passage.

JEDEDIAH M. GRANT,
Speaker of the House of Representatives.

HEBER C. KIMBALL,
Speaker of the Senate.
Approved, Feb. 6, 1851, BRIGHAM YOUNG, Gov.
Thomas Bullock, Clerk.

AN ORDINANCE, to incorporate the City of Manti.*

Passed, February 6, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that all that portion of the county of San Pete, which lies in the following boundaries, to wit:

Beginning at the Warm Spring (about two miles) south of the present city plat in said county; thence west to the west bank of San Pete creek; thence north and north-east along the west bank of said creek to a point due west of the mouth of Willow creek kanyon; thence east to the mouth of Willow creek kanyon; thence due south to a parallel line due east of the aforesaid Warm Spring; thence west on said line to the place of beginning—including the survey of said plat,—shall be known and designated as the city of Manti; and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid; and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

* * * * *

Sec. 46. The inhabitants of the city of Manti shall, from and after the next ensuing two years from the first Monday of April next, be exempt from working on any road or roads beyond the limits of said city; but all taxes devoted to road purposes shall, from and after said term of two years, be collected and expended by, and under the direction of the supervisor of streets, within the limits of said city.

Sec. 47. This ordinance is hereby declared to be a public ordinance, and shall be in force from and after its passage.

JEDEDIAH M. GRANT,
Speaker of the House of Representatives.

HEBER C. KIMBALL,
Speaker of the Senate.

Approved Feb. 6, 1851, BRIGHAM YOUNG, Gov.
Thomas Bullock, Clerk.

*For the deleted sections, 2-45, see the Great Salt Lake City charter.

AN ORDINANCE, to incorporate Provo City.* Passed February 6, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that all that district of country embraced in the following boundaries, in Utah county, to wit:—

Commencing two miles south from the present survey of the city of Provo, at the edge of Utah lake; thence east to the mountain; thence northerly with the mountain to the north bank of the Provo river; thence west to the said lake; thence southerly along the edge of the lake to the place of beginning,—shall be known and designated under the name and style of Provo City; and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid; and shall have perpetual succession and may have and use a common seal, which they may change and alter at pleasure.

* * * * *

Sec. 46. The inhabitants of Provo City shall, from and after the next ensuing two years from the first Monday of April next, be exempt from working on any road or roads beyond the limits of said city; but all taxes devoted to road purposes shall, from and after said term of two years, be collected and expended by, and under the direction of the supervisor of streets, within the limits of said city.

Sec. 47. This ordinance is hereby declared to be a public ordinance, and shall be in force from and after its passage.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Feb. 6, 1851, BRIGHAM YOUNG, Gov.

Thomas Bullock, Clerk.

AN ORDINANCE, to incorporate Parowan City, in Iron County.* Passed, February 6, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that all that district of country in Iron county, in this State, beginning at the dam, above the sawmill, in the mouth of the kanyon, on Centre creek, and running from thence north-east along the base of the mountain two miles; thence north three miles; thence west six miles; thence south to the base of the mountain; thence along the base of the mountain in a north-easterly direction, to the place of beginning,—including the present location,—shall be known and designated as Parowan City, and the inhabitants thereof are hereby constituted a body corporate and politic, by the

*For the deleted sections, 2-45, see the Great Salt Lake City charter.

name aforesaid, and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

* * * * *

Sec. 46. The inhabitants of Parowan City shall, from and after the next ensuing two years from the first Monday of April next, be exempt from working on any road or roads beyond the limits of said city; but all taxes devoted to road purposes shall, from and after said term of two years, be collected and expended by, and under the direction of the supervisor of streets, within the limits of said city.

Sec. 47. This ordinance is hereby declared to be a public ordinance, and shall be in force from and after its passage.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved Feb. 6, 1851, BRIGHAM YOUNG, Gov.

Thomas Bullock, Clerk.

AN ORDINANCE, incorporating the Church of Jesus Christ of Latter-day Saints. Passed, Feb. 4, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that all that portion of the inhabitants of said State, which now are, or hereafter may become residents therein, and which are known and distinguished as "The Church of Jesus Christ of Latter-day Saints," are hereby incorporated, constituted, made and declared a body corporate, with perpetual succession, under the original name and style of "The Church of Jesus Christ of Latter-day Saints," as now organized, with full power and authority to sue and be sued; defend and be defended, in all courts of law or equity in this State; to establish order, and regulate worship, and hold and occupy real and personal estate, and have and use a seal, which they may alter at pleasure.

Sec. 2. And be it further ordained, that said body or church, as a religious society, may, at a general or special conference, elect one "trustee-in-trust," and not to exceed twelve assistant trustees, to receive, hold, buy, sell, manage, use and control the real and personal property of said church; which said property shall be free from taxation; which trustee and assistant trustees, when elected or appointed, shall give bonds with approved security, in whatever sum the said conference may deem sufficient, for the faithful performance of their several duties; which said bonds, when approved, shall be filed in the general church recorder's office, at the seat of general church business; when said bonds are approved by said conference: and said trustee and assistant trustees

shall continue in office during the pleasure of said church: and there shall also be made, by the clerk of the conference of said church, a certificate of such election or appointment of said trustee and assistant trustees, which shall be recorded in the general church recorder's office, at the seat of general church business: and when said bonds are filed, and said certificates recorded, said trustee or assistant trustees, may receive property, real or personal, by gift, donation, bequest, or in any manner, not incompatible with the principles of righteousness, or the rules of justice; inasmuch as the same shall be used, managed, or disposed of for the benefit, improvement, erection of houses for public worship, and instruction, and the well being of said church.

Sec. 3. And be it further ordained, that, as said church holds the constitutional and original right, in common with all civil and religious communities, "to worship God according to the dictates of conscience;" to reverence communion agreeably to the principles of truth, and to solemnize marriage compatible with the revelations of Jesus Christ; for the security and full enjoyment of all blessings and privileges, embodied in the religion of Jesus Christ free to all; it is also declared, that said church does, and shall possess, and enjoy continually, the power and authority, in and of itself, to originate, make, pass, and establish rules, regulations, ordinances, laws, customs, and criterions, for the good order, safety, government, conveniences, comfort, and control of said church, and for the punishment or forgiveness of all offenses, relative to fellowship, according to church covenants: that the pursuit of bliss, and the enjoyment of life, in every capacity of public association, and domestic happiness; temporal expansion; or spiritual increase upon the earth, may not legally be questioned: provided, however, that each and every act, or practice so established, or adopted for law, or custom, shall relate to solemnities, sacraments, ceremonies, consecrations, endowments, tithings, marriages, fellowship, or the religious duties of man to his Maker; inasmuch as the doctrines, principles, practices, or performances, support virtue, and increase morality, and are not inconsistent with, or repugnant to, the Constitution of the United States, or of this State, and are founded in the revelations of the Lord.

Sec. 4. And be it further ordained, that said church shall keep, at every full [fully] organized branch or stake, a registry of marriage, births, and deaths; free for the inspection of all members, and for their benefit.

Sec. 5. And be it further ordained, that the presidency of said church shall fill all vacancies of the assistant trustees, necessary to be filled, until superseded by the conference of said church.

Sec. 6. Be it further ordained, that no assistant trustee or trustees shall transact business in relation to buying, selling, or

otherwise disposing of church property; without the consent or approval of the trustee-in-trust of said church.

JEDEDIAH M. GRANT,
Speaker of the House of Representatives.

HEBER C. KIMBALL,
Speaker of the Senate.
Approved, Feb. 8, 1851, BRIGHAM YOUNG, Gov.
Thomas Bullock, Clerk.

AN ORDINANCE, authorizing the Judges of the several Counties of this State, to grant Mill, and other Water Privileges, and to control the Timber in their respective Counties.—

Passed, Feb. 4, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that the judges of the several counties in this State, are hereby authorized to grant mill, and other water power privileges, or any watercourse, or creek, and to control the timber within their respective counties; inasmuch as the said privileges do not interfere with the rights of the community, for common uses, or irrigation, or any privileges heretofore granted by this legislative body.

JEDEDIAH M. GRANT,
Speaker of the House of Representatives.

HEBER C. KIMBALL,
Speaker of the Senate.

Approved, Feb. 12, 1851, BRIGHAM YOUNG, Gov.
Thomas Bullock, Clerk.

AN ORDINANCE, in relation to Herding.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that all herdsmen shall be held responsible for all beasts taken into their charge for herding; they shall be able to give an accurate account of said beasts when called for by the owner, or his agent, and shall give bonds to the amount of twice the value of stock taken for herding, for the faithful performance of their duties before entering upon that important trust.

Sec. 2. Be it further ordained, that if any such beast be destroyed by lightning, or in any other way, which the herdsman could not prevent; then upon satisfying the owner, or any court having jurisdiction of the same, said herdsman shall be released from the aforesaid obligation.

Sec. 3. Be it further ordained, that if the owner of any part of said herd, shall be under the necessity of searching for his beast or beasts, by the neglect of said herdsman, the herdsman shall pay said owner a reasonable compensaion for his time so spent.

Passed Feb. 4, 1851.

JEDEDIAH M. GRANT,
Speaker of the House of Representatives.

HEBER C. KIMBALL,
Speaker of the Senate.

Approved, Feb. 12, 1851, BRIGHAM YOUNG, Gov.
Thomas Bullock, Clerk.

AN ORDINANCE, for the Establishment and Regulation of Estray Pounds. Passed, February 7, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that the road commissioner of each organized county of this State, is hereby authorized to locate an estray pound at or near the centre of each precinct in his county, which shall be erected and kept in repair at the expense of the county, for the purpose of securing all unruly or stray animals from damaging grain, grass or other agricultural productions in such county.

Sec. 2. The people of each precinct may, at the time of their election, elect a suitable person to be the keeper of such pound, whose duty shall be to receive, brand, and take care of all stray or unruly animals driven to him, and keep a description, together with the several certificates of appraisal and bills of damage and costs upon each animal, and shall be considered the owner thereof until the rightful owner shall appear, prove property, pay all damages and costs, and take them away; and if no such owner shall appear and prove property within six months, then the avails of such animal or animals shall be paid into the Perpetual Emigrating Fund for the Poor.

Sec. 3. Any horse, mule, ox, cow, or other animal or animals found in mischief within the lawful enclosure of any person or persons, the owner of which is not known and cannot be ascertained by reference to the record of brands or other diligent search, shall be considered a stray animal.

Sec. 4. In case any such animal is taken up which has so done damage, the person or persons so damaged may have their damages appraised by two or more judicious men, citizens, who shall sign their names to their appraisal, which certificate of damage or costs shall be delivered over with animal or animals into the hands of the estray pound keeper.

Sec. 5. Any horse, mule, ox, cow, or other animal or animals, which shall throw down or break over any fence into any en-

closure which shall be judged by two or more fence-viewers to be in lawful repair, the owner of such animal shall be liable to the person or persons so damaged for all damages sustained, which may be recovered with costs before any justice of the precinct where such damage shall have been done.

Sec. 6. Any horse, mule, ox, cow, or other animal or animals found in mischief, which has been known and proven to be unruly, and has before broken over or through any lawful fence, and the owner has been duly notified thereof, and neglected or refused to take care of such animal or animals, it shall be the duty of any and every person having knowledge of the facts, to drive them to the estray pound.

Sec. 7. Any unruly animal or animals taken up and driven to the estray pound, as specified in the preceding section, shall be forfeited and sold, or disposed of by the pound keeper, to pay the expense of taking up, damages, and costs, and the residue shall be paid into the Perpetual Emigrating Company's Fund semi-annually for the use of the poor.

Sec. 8. It shall be the duty of the pound keeper in each precinct to give twenty days' notice, by publication in a newspaper, or the posting up of bills in three of the most public places in the precinct, previous to making sale of any animal in his possession, forfeited for sale, agreeably to the provisions of this ordinance. He shall keep an accurate account of the same, with the proceeds thereof, together with the amount paid out, on certificates of appraisal of damages and costs, and make report thereof semi-annually to the clerk of the county court, with the amount due the Poor Fund.

Sec. 9. Nothing in this ordinance shall be so construed or understood, as to prevent the just and impartial assessment of damages, or in any wise hinder the real owner from recovering his animal by paying all such just and reasonable charges, excepting such animals as are forfeited, agreeably to the sixth and seventh sections of this ordinance.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Feb. 12, 1851, BRIGHAM YOUNG, Gov.

Thomas Bullock, Clerk.

AN ORDINANCE, relating to Inclosures and Trespass.
Passed, Feb. 7, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that all lands, except those that are inclosed or being inclosed, are hereby declared common pasturage, and all peace-

able animals shall be free to run at large and graze thereon, except swine.

Sec. 2. All farming lands used for raising grain, grass, or other agricultural purposes, shall be inclosed with a good and lawful fence sufficient to secure the crop therein from the encroachments of all kinds of peaceable animals.

Sec. 3. All fence, four and a half feet high, in good repair, consisting of rails, poles, boards, stone, or other suitable materials, and all fence, of any description whatever, and all brooks, rivers, sloughs, ponds, hedges, or other obstructions, which shall be in the judgment of two or more fence-viewers equal thereto, shall be deemed a lawful fence.

Sec. 4. Any person owning fence, or different individuals owning portions of fence inclosing fields owned as tenants in common for farming or other purposes, who shall refuse or neglect to keep in lawful repair such fence or portions of fence, shall pay all damages sustained by any other person in said field, in consequence of such neglect.

Sec. 5. Any person or persons, who shall throw down fence, or open bars or gates into any inclosure other than their own, or into any field owned by joint occupancy, and leave the same open, thereby exposing the crops or property of others, shall be deemed guilty of a trespass, and on conviction thereof, shall pay a fine of not less than five dollars, and all damages thereby sustained.

Sec. 6. Any person, who shall cut down, injure, or carry away any timber, wood, tree, grass, grain, roots, plants, or fruit, placed or growing for use, ornament, or shade on land not his own, in which he has no interest, or shall dig stone, mineral, coal, ore, or clay thereon, or drive a team over the same, without the consent of the owner thereof, shall, on conviction thereof, pay four times the value of the injury done to the owner of the land.

Sec. 7. Each precinct in this State shall, at the time of election, elect two or more fence-viewers, whose term of office shall be the same as a justice of the peace, whose duty it shall be to examine and decide upon the legality of all fence in their respective precincts, when called upon, and see that the above law is faithfully executed.

Sec. 8. This ordinance shall be in force from and after the first day of May next.

JEDEDIAH M. GRANT,
Speaker of the House of Representatives.

HEBER C. KIMBALL,
Speaker of the Senate.

Approved, Feb. 12, 1851, BRIGHAM YOUNG, Gov.
Thomas Bullock, Clerk.

AN ORDINANCE, granting Block No. 102, in Great Salt Lake City, to the State of Deseret, for the purpose of erecting a State House upon it.

Passed, Feb. 10, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that the Public Square, on Block No. 102, in Great Salt Lake City, called Union Square, is hereby set apart, granted, and appropriated to the State of Deseret, for the purpose of having a suitable State House and State Offices erected upon it, for the convenience of the Legislature, and the State officers.

JEDEDIAH M. GRANT,
Speaker of the House of Representatives.

HEBER C. KIMBALL,
Speaker of the Senate.

Approved, Feb. (sic) 12, 1851, BRIGHAM YOUNG, Gov.
Thomas Bullock, Clerk.

AN ORDINANCE, regulating the Manufacturing and Vending of Ardent Spirits.

Passed, Feb. 10, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that it shall not be lawful for any person or persons in this State, to establish any distillery or distilleries, for the manufacture of ardent spirits, except as hereafter provided for; and any person or persons, who shall violate this ordinance, on conviction thereof, shall forfeit all property thus invested to the State, and be liable to a fine at the discretion of the court having jurisdiction.

Sec. 2. Be it further ordained, that when the governor shall deem it expedient to have ardent spirits manufactured within this State, he may grant a license to some person or persons, to make and vend the same, and impose such restrictions thereon as he may deem requisite.

JEDEDIAH M. GRANT,
Speaker of the House of Representatives.

HEBER C. KIMBALL,
Speaker of the Senate.

Approved, Feb. 12, 1851, BRIGHAM YOUNG, Gov.
Thomas Bullock, Clerk.

AN ORDINANCE, in reference to Vagrants. Passed, February 10, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that any person residing within the limits of this State, who has no visible means of support, shall be deemed a vagrant.

Sec. 2. Be it further ordained, that upon complaint on oath being made and filed with any justice of the peace, that there is within the county wherein such justice resides, any person who is engaged in uo (sic) useful employment, and has apparently no manner of support, it shall be the duty of such justice forthwith to issue a warrant, to bring such delinquent before him.

Sec. 3. Be it further ordained, that upon the return of such warrant with the defendant therein named in court, said complaint shall be distinctly read to such defendant, when he shall be required to answer the same on oath; and the justice shall enquire into the truth of such complaint in a summary manner.

Sec. 4. Be it further ordained, that if the justice find on such investigation that such complaint be true, he shall record the same in his docket, and thereupon enter judgment declaring such delinquent a vagrant.

Sec. 5. Be it further ordained, that any person convicted as aforesaid, shall be compelled to labor on the public works a sufficient length of time to pay the cost of prosecution; provided, the same be not less than twenty days.

Sec. 6. And be it further ordained, that it shall be the duty of every officer of State, in this State, to report to the magistrate of their respective precincts, any person whom they may have good reason to suspect as being a vagrant under this ordinance.

Sec. 7. The foregoing ordinance shall apply to all loafers who hang about the corners of streets, court houses, or any other public place, who have no business, whether they have property or not.

JEDEDIAH M. GRANT,
Speaker of the House of Representatives.

HEBER C. KIMBALL,
Speaker of the Senate.

Approved, Feb. 12, 1851, BRIGHAM YOUNG, Gov.
Thomas Bullock, Clerk.

AN ORDINANCE, to suppress Gaming. Passed, Feb. 24, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that if any person or persons shall be engaged in gaming or sporting for money or other property, which may be put at stake and won, by horse-racing, cock-fighting, dog-fighting, card-playing, or any other means by which the game may be tested and property won, such person or persons shall be guilty of a misdemeanor, and upon conviction thereof, shall pay over to the court having cognisance (sic) of the same, all such property so employed in the game or sport; and all bets, staked and won.

to be disposed of for the benefit of the county, and such person shall be subject to a fine at the discretion of the court.

JEDEDIAH M. GRANT,
Speaker of the House of Representatives.

HEBER C. KIMBALL,
Speaker of the Senate.

Approved, Feb. 24, 1851, BRIGHAM YOUNG, Gov.
Thomas Bullock, Clerk.

STATE OF DESERET, }
Secretary's Office. } ss.

I Willard Richards, Secretary of the Provisional Government of the State of Deseret, certify, that the foregoing is a true copy, of ordinances on file in my office.

In Witness whereof, I have hereunto set my hand, and seal of state, at Great Salt Lake City, state aforesaid, this 27 day of February, in the year of our Lord eighteen hundred and fifty one; and of the Independence of the United States of America, the seventy-fifth.

L.S.

WILLARD RICHARDS,
Secretary of State.

APPENDIX A

RULES AND REGULATIONS

For the Governing of Both

HOUSES OF THE GENERAL ASSEMBLY of the STATE OF DESERET

When in Joint Session; And for Each
Respective House, When In Separate Session
Adopted by the Senate and House of Representatives
December 2, 1850

Rule 1. The house shall meet at time specified, at all previous adjournments.

Rule 2. The clerk shall call the roll within fifteen minutes after the time specified for meeting.

Rule 3. Any member absent, and not answering to his name when the roll is called, shall be subject to a fine of fifty cents.

Rule 4. Any member being absent thirty minutes after the roll is called, shall be subject to a fine of one dollar.

Rule 5. Any member being absent one hour after the roll is called, shall be subject to a fine of two dollars.

Rule 6. The fine so imposed, shall be paid to the clerk of the house, to be applied in purchasing wood, lights, &c., and towards defraying the incidental expenses of the same.

Rule 7. Any member giving a reason for his absence, considered sufficient by the house, no fine shall be imposed.

Rule 8. No member shall be permitted to leave the house, during the session of the day, without leave of absence by the speaker.

Rule 9. No member shall be permitted to address the house, while another member has the floor.

Rule 10. The clerk of the house shall be required to keep a faithful record of the proceedings of the house, and perform such other duties, as the house may provide, from time to time.

Rule 11. The sergeant-at-arms duty shall be, to lock up and unlock the house; to cleanse, warm, and have it prepared by the time the members of the house arrive—to attend to the fires, prepare water, execute the office of door-keeper, obey the commands, and execute all the orders and writs of the speaker, and perform such other duties, as may be required of him, from time to time, agreeable to the virtue of his office.

Rule 12. The clerks and sergeants-at-arms, shall have the

privilege of a seat within the bar, but are not permitted to address the house, without permission of the house, but in no case to vote on any question pending.

Rule 13. The house shall have authority and power, to punish any disorderly member, or one present not being a member, for contempt or otherwise, whenever the house shall be in session, by expulsion from his seat, or by fine, not exceeding twenty-five dollars.

Rule 14. For all neglect of duty, in the sergeants-at-arms, in not complying with the duties enjoined upon him, in the 11th rule of these regulations, shall be subject to a fine of not less than two dollars, at the discretion of the speaker, to be paid and applied according to the 6th rule of these articles.

Both houses voted, that the above rules shall be in force from and after its passage.

STANDING COMMITTEES

ON ELECTIONS.—Charles C. Rich, David Pettigrew, Orson Spencer, William I. Appleby, and Henry Harriman.

ON JUDICIARY.—Daniel Spencer, Ezra T. Benson, David Fullmer, Willard Snow, Edwin D. Woolley, and Seth M. Blair.

ON PETITIONS.—Ezra T. Benson, Charles C. Rich, William W. Phelps, Albert P. Rockwood, John Van Cott, and John S. Fullmer.

ON COUNTIES.—Daniel Spencer, Wilford Woodruff, Reynolds Cahoon, Daniel H. Wells, and Willard Snow.

ON ROADS, BRIDGES, AND PUBLIC WORKS.—Ezra T. Benson, William W. Phelps, Ira Eldredge, Albert P. Rockwood, and John Murdock.

ON WAYS AND MEANS.—Daniel Spencer, Charles C. Rich, Ira Eldredge, David Fullmer, and William Hickenlooper.

ON MILITARY.—Charles C. Rich, William W. Phelps, Daniel H. Wells, Willard Snow, and Hosea Stout.

ON CLAIMS.—William W. Phelps, Reynolds Cahoon, Orson Spencer, John Van Cott, and Ira Eldredge.

ON CIVIL LAWS.—Phinehas Richards, Ezra T. Benson, Willard Snow, John Murdock, Seth M. Blair, and Henry Harriman.

ON ORDINANCES.—William W. Phelps, Ezra T. Benson, Daniel H. Wells, William I. Appleby, and Albert P. Rockwood.

ON CRIMINAL CODE.—Daniel Spencer, Phinehas Richards, Charles C. Rich, Abraham O. Smoot, Seth M. Blair, and Jonathan C. Wright.

APPENDIX B

ORDINANCES OF THE HIGH COUNCIL

Great Salt Lake City, Dec. 27, 1847.

We the High Council of the Great Salt Lake City, in the absence of any organised jurisdiction of any Territory, for the peace, welfare and good order of our community, proceed to enact the following laws, for the government and regulation of the inhabitants of this city and valley for the time being, subject to the approval of the people.

Ordinance 1st, Concerning Vagrants

Whereas it is of the utmost importance that every man in our community use the utmost exertion to cultivate the earth in order to sustain himself or family in a new location, so far from supplies, therefore should any person or persons be convicted, before any acting judge or judges acknowledged by the people of said City and Valley of idling away his or her time, or neglecting in any manner to use the necessary exertions for the above purposes, it shall be the duty of said judge or judges to appoint two or more trustees, whose duty it shall be to take charge of all the property of the person or persons thus convicted, or such portion of the same as the judge or judges may deem necessary, and to hold the same in security for the support of himself or family or those depending upon his labors, to be held at the discretion of the judge or judges. And it shall be the further duty of said Trustees to take into custody the person or persons thus convicted and to cause them to be industriously employed, the proceeds of which employment shall be held and applied in the same manner and for the same purpose as the property before mentioned. And be it further ordained, that the Trustees be paid a reasonable compensation for their trouble out of the property taken from, or labor done by any person or persons convicted under this Ordinance.

Ordinance 2nd, Concerning disorderly or dangerous persons and disturber of the peace.

Any person convicted of violence on person or property, threatening, or riot, shall be sentenced to receive a certain number of lashes on the bare back, not exceeding 39, or be fined in any sum not less than five dollars, nor exceeding five hundred dollars, and shall give security for his good behavior, at the discretion of the judge or judges.

Ordinance 3rd, Concerning Adultery and Fornication.

Any person or persons convicted of the crime of Adultery or Fornication, shall be sentenced to receive a certain number of lashes on the bare back, not exceeding 39, and be fined in a sum not exceeding one thousand dollars, at the discretion of the judge or judges.

Ordinance 4th, Concerning Stealing, Robbing,
Housebreaking or maliciously causing
the destruction by fire of any property

Any person or persons convicted of any of said crimes shall be sentenced to receive a number of lashes on the bare back, not exceeding 39, and to restore four fold, and to give security for their good behavior in future at the discretion of the judge or judges.

Ordinance 5th, Concerning Drunkenness, and etc.

Any person or persons convicted of Drunkenness, Cursing, Swearing, foul or indecent language, unnecessary firing of guns, within or about the Forts, unusual noise or noises, or in any other way disturbing the quiet or peace of the community, shall be fined any sum not less than 25 dollars. The above Ordinances to take effect from and after the first day of January, A. D., 1848.

Done in behalf of the High Council and
People of Great Salt Lake City

Great Salt Lake City, Jan. 25, 1848.

Ordinance 6th, Be it ordained, that no person is entitled to more fuel than will last him to the first day of October, 1848, or to more poles or timber than will answer for his present fencing or building, unless by permission of the Council, under penalty of a sum not less than 5 nor exceeding 500 dollars, at the discretion of the judge or judges.

Ordinance 7th. Be it ordained that no loose cattle, horses, mules, or sheep, shall be permitted to run upon the wheat land, or be driven on the road passing through it; and that the Marshall, or any person he deputizes, shall take up every animal thus trespassing; and that the owner of every animal thus taken shall pay twenty-five cents per head to the person who takes them up, and two cents per head a day, for herding, if they require to be herded; for the wheat lands and the roads through it shall be kept clear of loose animals.

The above ordinances to take effect and be in full force, from and after sunset of the 27th day of January. A. D., 1848.

Albert Carrington, clerk.

ORDINANCES,
PASSED BY THE LEGISLATIVE COUNCIL OF
GREAT SALT LAKE CITY, AND ORDERED
TO BE PRINTED

Penalty for riding horses without leave, driving cattle off the feeding range, &c.

No. 36. Feb. 24, 1849.

Sec. 1. That any person or persons, who is or are found riding horses or mules in this valley, which does not belong to him, her or them; not having permission from the owner, shall, on being convicted before the proper authority, be fined in the sum of not less than twenty-five dollars, for each offense.

Sec. 2. That any person or persons, found driving horses or mules from their feeding range, which does not belong to him, her, or them, and running them off their range, without permission from the owners, either to bring them to the Forts or elsewhere; shall, on being convicted before the proper authority, be fined in the sum of not less than twenty-five dollars for each offense.

Sec. 3. That any person, or persons, who is found driving oxen, cows, or young cattle from the feeding range, which does not belong to him, her, or them, without permission from the owners, either to the Forts or elsewhere, shall, on being convicted before the proper authority, be fined in the sum of not less than five dollars, for each ox, cow, or young creature, so drove from the range.

Sec. 4. That any person, or persons, on being convicted of breaking any of the above laws, by riding or driving horses, mules, oxen, cows, or young cattle as above stated, shall, in addition to the aforesaid fines, pay to the owners all damages: the amount of damages being assessed by competent authority.

Sec. 5. That in case of any person, or persons, being convicted on any of the aforesaid offenses, the fine shall be collected forthwith; one half of which shall be given to the informant, and the other half be paid into the Public Treasury.

Stud Horses, or Jacks, not to run at large.

No. 66. March 17, 1849.

That from and after this date, no Stud-Horse, or Jack over eighteen months old, shall be allowed to run at large in this valley, or in the regions round about, under the penalty of such Horse or Horses, Jack or Jacks being forfeited for the public use.

Water not to run across the street, without a bridge, &c.

No. 77. April 28, 1849.

That each Bishop in the City, be required to run furrows, and cut ditches around their wards, to keep the water from flood-

ing the streets; and in all cases, where it is necessary, to convey the water across the street or public roads, the Bishops shall build, or cause, to be built, a sufficient bridge over the ditch: and in case of neglect, a fine of twenty-five dollars shall be assessed upon said ward, for every instance of water running across the public roads, and not having a bridge over it.

City Sexton.

No. 113. October 20, 1849.

On motion, Jesse W. Crosby was appointed Sexton for the City of the Great Salt Lake.

Penalty for throwing filth in the Public Water Courses, &c. in the City.

No. 121. November 10, 1849.

Sec. 1. Be it ordained, that from and after the passage of this Ordinance, any person killing beeves in this City, and suffering the filth from the dead carcasses to run in the public water courses, or washing entrails or other parts of dead cattle in the public water courses, shall, on conviction thereof, before any Bishop or Justice of the Peace, be fined in the sum of not less than five, nor more than fifty dollars for each offense.

Sec. 2. Any person placing raw hides, or other filthy substance in any public water course of this City, shall, on conviction of the same, before the proper tribunal be fined in any sum, not exceeding fifty, nor less than five dollars for each offense.

Sec. 3. That the Marshall and deputies, are hereby ordered to pay attention to the public water courses, and that they are hereby authorized to arrest, without process, and bring before any Bishop or Justice of the Peace, any persons, who shall violate the first or second sections of this Ordinance.

Assistant Supervisors of Streets.

No. 122. November 10, 1849.

On motion, Resolved that an Assistant Supervisor be appointed in each ward of the City, to repair, and keep in repair the streets of the same; and the following persons were appointed Assistant Supervisors, for their respective wards, to wit:—

1st ward, Charles C. Burr,	9th " Sam'l. A. Wooley,
2d " Thomas Moor,	[Woolley]
3d " Erastus Bingham,	10th ward, John Dalton,
4th " John Preece,	11th " John Lytle,
6th " Levi Savage, sr.	12th " Daniel Hendricks,
7th " Vinson Shurtliffe,	13th " C. V. Spencer,
[Shurtliff]	14th " John Van Cott,
8th " William Glover,	

15th	"	Wm. A. Empy,	17th ward, Martin Peck,
		[Empey]	18th ward, Wm. H. Kimball,
16th	"	William Miller,	19th " Peter Nebeker.

Sawing Lumber, allowed one third.

No. 125. November 24, 1849.

That no person owning a saw mill, shall be allowed more than one third of the lumber for sawing; and wherein they have taken more than the one third, that they shall refund the amount to the owners of the logs.

Cattle in the Stray Pound, after one Month to be sold.

No. 76. April 28.

Resolved, that from and after the first day of May, 1849, the inhabitants of the Valley of the Great Salt Lake, be required to keep all kinds of stock off the farming land, and city lots, and further resolved, that after the above date, all kinds of stock, found loose on the farming lands, and city lots, shall be delivered over to the Marshall or the Bishops of the several wards, who shall collect from the owner of each trespassing creature, the sum of one dollar for each offense, together with damages and expenses.

No. 127. November 24, 1849.

That all cattle, that have been on the hands of the owners of the Stray Pound, over one month be sold, and the proceeds be put into the perpetual poor emigrating fund.

AN ORDINANCE CREATING AN OFFICE FOR THE
RECORDING OF "MARKS AND BRANDS" ON
HORSES, MULES, CATTLE, AND
ALL OTHER STOCK.

Passed by the Legislative Council, Saturday Dec. 29, 1849.

No. 130.

Sec. 1. Be it ordained that an office be, and is hereby created for the purpose of Recording, Marks and Brands, put on Horses, Mules, Cattle, Cows, and all other stock, owned by the Citizens of the Valley of the Great Basin.

Sec. 2. It Shall be the duty of the Recorder of said office, to Keep a fair and faithful record of all Marks, or Brands, put on all Horses, Mules, Cattle, Cows, and all other stock owned by the citizens of the valley of the Great Basin, together with the names of owners of said Brands, and place of residence, whenever application is made for the same by the owners thereof, and to define and designate the particlar (sic) Marks or Brands, to be used by each individual.

Sec. 3. It shall be the duty of the Recorder to consult the convenience of each person applying, for a Mark, or Brand, Pro-

vided, the Brand applied for has not previously been recorded to some other person, and to furnish to any person desiring it a certificate of his or her Brand, recorded by him, free of charge.

Sec. 4. It shall be the duty of the Recorder to keep exposed in his office, or at some public place near the Temple Block, a faithful copy of all Marks or Brands, recorded by him, and the names of the owners of said Brands.

Sec. 5. The Recorder's fees, for recording any Mark or Brand on his record, shall not exceed fifty cents, for each Mark or Brand recorded.

Sec. 6. That William Clayton be appointed the Recorder of Brands, according to the provisions of this Ordinance.

Sec. 7. It shall be the duty of the Recorder, to furnish a printed copy free of charge, of all Marks, Brands, and record of Brands, to every individual applying for the same, and having a certificate of record, as speedily as possible after the entry of one hundred Brands, also to repeat the same on the completion of the entry of every succeeding hundred.

Sec. 8. Any person finding cattle or any animals intended in this Ordinance having Recorded Brands in any enclosure, or any place where they may be doing damage, shall immediately secure and take good care of the same, and search diligently, and restore the animal or animals to the owners, who shall be liable for all reasonable cost, and damages: and if the owner cannot be found after diligent search, said animals may be driven to the Stray Pound.

Sec. 9. It shall be the duty of every person selling or disposing of any animal having a Recorded Brand, to reverse the same on said animal; but if any person shall alter or deface, any Recorded Brand, on any animal; or place, or cause to be placed his own, or other brand on any animal not belonging to said individual; he or they shall be subject to any or all the penalties of this Ordinance, together with further punishments, applicable to felonious offenses, at the discretion of the Court, having jurisdiction.

Sec. 10. Be it further ordained, that whenever horses, mules, cattle, cows, or other stock having Recorded Brands, are put in the Stray Pound, it shall be the duty of the overseers of the Stray Pound to use due diligence to ascertain the names of the owners of said stock, both by reference to the Record of Brands and otherwise; and to notify the owners of the same if known; or publish the same with the marks or brands in four public places of the city, within three days from the time, said stock are put in the Pound.

Sec. 11. Any officer or individual, violating any provision of this Ordinance, shall be liable to a penalty of not less than one dollar, nor more than one thousand, at the discretion of the Court, having jurisdiction thereof.

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