

Sec. 8. The secretary shall record and preserve all the laws and proceedings of the legislative assembly, and all the acts and proceedings of the governor in the executive department. He shall transmit one copy of the laws and journals of the legislative assembly within thirty days after the end of each session thereof, to the President, and two copies of the laws, within like time, to the President of the Senate and the Speaker of the House of Representatives, for the use of Congress. He shall transmit one copy of the executive proceedings on the first day of January in each year, to the President. He shall prepare the acts passed by the legislative assembly for publication, and furnish a copy to the public printer of the Territory within ten days after the passage of the act. He shall be the custodian of the territorial seal, and shall attach the same to all writs and commissions issued by the governor.

Sec. 9. The auditor shall examine and audit all public accounts connected with the pecuniary affairs of the Territory, and shall report the same to the governor on or before the 1st day of November in each year, and oftener if required by the governor, and shall deliver to his successor in office all books, moneys, accounts and other property belonging to the Territory so soon as his successor shall become qualified. He shall draw warrants upon the treasurer for all claims and demands payable out of the Territorial treasury.

Sec. 10. The treasurer shall receive all moneys and other property belonging to the Territory that may be raised by taxation or otherwise, and shall keep suitable books in which he shall enter an account of his receipts and disbursements, to whom made and on what account. The treasurer shall pay out all moneys that may come into his hands by virtue of his office, upon drafts or orders countersigned by the auditor of public accounts, and shall annually report to the governor on or before the first day of December, or oftener if required by the governor, a full account of his receipts and disbursements, with the necessary vouchers for the same, and shall deliver to his successor in office, all books, moneys, accounts and other property belonging to the Territory as soon as his successor shall become qualified.

Sec. 11. The attorney-general shall prosecute and defend all actions in the supreme court of the Territory to which the Territory, or the people thereof, or any county may be parties, and shall, upon request, give his opinion in writing to any of the territorial officers or district attorneys upon any matter touching their public duties; and shall have general supervision of the conduct of the district attorneys under the direction of the governor to the end that the laws may be strictly enforced.

Sec. 12. The superintendent of public instruction shall possess and exercise all powers and duties now imposed by the laws of said Territory upon the superintendent of schools, and also the duties imposed by Sec. 25 of the act entitled "An act to amend Sec. 5352 of the Revised Statutes of the United States," which took effect March 3, 1887.

Sec. 13.—The judicial power of the Territory of Utah shall be vested in the supreme court, the district courts, the probate courts and justices of the peace. The supreme court shall consist of three judges, elected as hereinbefore provided, and they shall, upon the organization of the court, elect one of their number chief justice. The supreme court shall have jurisdiction to review upon appeal any decision of the district courts, or the judges thereof; and the supreme court shall also have original jurisdiction to issue writs of *mandamus*, *certiorari*, prohibition and *habeas corpus*, and all writs necessary and proper to the complete exercise of its appellate jurisdiction. The supreme court shall also have original jurisdiction to hear claims against the Territory, but its decision shall be merely recommendatory and no process in the nature of execution shall issue thereon, but the judgment shall be reported to the next session of the legislature for its action. The judges of the supreme court shall elect some suitable person clerk of said court.

Sec. 14. The Territory shall be divided into seven judicial districts as follows, to wit: The counties of Box Elder, Cache and Rich shall constitute the First district; the counties of Weber, Morgan and Davis shall constitute the Second district; the county of Salt Lake shall constitute the Third district; the counties of Tooele, Juab, Millard and Sanpete shall constitute the Fourth district; the counties of Summit, Wasatch and Uintah shall constitute the Fifth district; the counties of Utah, Emery, Grand and San Juan shall constitute the Sixth district; the counties of Kane, Washington, Beaver, Iron, Sevier, Plute and Garfield shall constitute the Seventh district, and at least one term of the district court shall be held in each county once in each year.

Sec. 15. The district courts shall have original jurisdiction in all cases both in law and in equity, and such jurisdiction upon appeals from inferior courts and tribunals as may be conferred by law; and shall also have original jurisdiction to issue writs of mandate, *certiorari*, prohibition and *habeas corpus*, and all writs necessary for the full exercise of the jurisdiction hereby conferred. The county clerk shall be ex-officio clerk of the district court and the custodian of its seal. Upon the request of the judge of any district, the judge of another district may hold the whole or any part of a term in a district other than his own, and both judges may sit and try causes at one and the same time, and the acts of such judge so called in shall be of equal force as if he were duly elected in said district, and upon the order of the governor any district judge must assist the judge of another district to dispose of the business in such district, or to hold the court in his stead.

Sec. 16. The probate courts shall be courts of record and shall have original jurisdiction in all matters of probate, settlements of estates of deceased persons, and the appointment of guardians and other like matters; also jurisdiction to hear and determine all causes arising within their counties, wherein the debt or damage claimed does not exceed \$500, exclusive of interest; and concurrent jurisdiction with justices of the peace in criminal

cases. Justices of the peace shall also have jurisdiction in all civil causes in which the debt or damages claimed, exclusive of interest, does not exceed \$300; but they shall not have jurisdiction in any action where the boundaries or title to any real property shall be called in question; and they shall have criminal jurisdiction of such misdemeanors as may be prescribed by the laws of the Territory.

Sec. 17. The legislative power of the Territory of Utah shall extend to all rightful subjects of legislation not inconsistent with the constitution and laws of the United States, but no law shall be passed interfering with the primary disposal of the soil. No taxes shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents.

Sec. 18. All causes pending in the Supreme Court of the Territory on the first day of January, 1893, arising under the laws of the Territory of Utah, both of a civil and criminal character, and all special proceedings pending in said court, arising under the Territorial laws, shall pass over to and be heard and determined by the supreme court herein provided for; and all causes pending in the said supreme court of the territory of Utah, on the first day in January, 1893, and arising under the constitution and laws of the United States, shall be transferred to and heard and determined by the circuit court of appeals of the United States for the Eighth circuit, and said court is hereby declared to have jurisdiction.

Sec. 19. All causes pending in the First District Court sitting at Ogden, on the first day in January, 1892, shall be heard and determined by the Second district court in Weber County, and all causes pending on the first day in January, 1893, in the First district court sitting at Provo, and arising under the territorial laws, shall be heard and determined by the Sixth district, sitting in Utah county, and all causes pending on the first day in January, 1893, before the Second district court, and arising under the territorial laws, shall be heard and determined by the Seventh district court, sitting in Beaver county, and all causes pending on the first day in January, 1893, in the Third district court of Utah, and arising under the territorial laws, shall be heard and determined by the Third district court, and all causes pending in the several district courts of Utah territory on the first day of January, 1893, and arising under the constitution and laws of the United States, shall be heard and determined by a territorial district court herein-after created.

Sec. 20. There is hereby created a Territorial district court for the Territory of Utah; said court shall have and exercise the same jurisdiction in all cases arising under the Constitution and laws of the United States as is vested in the circuit and district courts of the United States. Said court shall hold two terms in each year, and its place of sitting shall be Salt Lake City, in the county of Salt Lake, in said Territory. There shall be appointed by the President, by and with the advice and consent of the Senate, a judge of said district court, who