

From Wednesday's Daily.

A BILL

In aid of the execution of the laws in the Territory of Utah, and for other purposes.

[Presented by Mr. Merritt, of Idaho, in the House of Representatives February 3, 1873, read twice, referred to the Committee on Judiciary with leave to report at any time, and ordered to be printed.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States marshal of Utah Territory may appoint deputies in each of the judicial districts of said Territory. Said deputies shall be authorized to enter upon the discharge of their duties upon the approval of such appointment by the judge of the district court for which each is appointed; and said deputies must take and subscribe the same oath prescribed by law to be taken by the marshal, and give bond, with good and sufficient sureties, to said marshal in the penal sum of ten thousand dollars, conditioned for the faithful discharge of their duties as such deputy; and said appointment, approval, oath, and bond shall be entered upon the records of said court.

Sec. 2. That it shall be the duty of said marshal, in person or by his deputies, to attend the district and supreme courts of said Territory, and serve and execute all process, orders, judgments, or decrees issued, rendered, or directed by said courts or by any judge thereof.

Sec. 3. That the United States district attorney of said Territory may also appoint an assistant in each of the judicial districts of said Territory: *Provided*, That before any such assistant shall enter upon the discharge of his duties his appointment must be approved by the presiding judge of the district court of the district for which such appointment is made, and said assistant must take and subscribe the same oath prescribed by law to be taken by the district attorney; and said appointment, approval, and oath shall be entered upon the records of said courts. Such assistants shall receive the same fees and emoluments as the district attorney would have been entitled to for the same service.

Sec. 4. That it shall be the duty of said district attorney, in person or by his assistants, to attend all of the courts of said Territory and perform the duties of prosecuting attorney in all criminal cases arising in said courts.

Sec. 5. That only citizens of the United States, over the age of twenty-one years, shall be competent to serve as grand or petit jurors in said Territory.

Sec. 6. That the grand jury of said Territory shall consist of fifteen good and lawful men, twelve of whom concurring may find and return a bill of indictment.

Sec. 7. That whenever a district judge of said Territory shall determine that a grand or petit jury will be needed at a term of his court, the said judge, the said United States attorney, and the United States marshal shall make a list in writing of one hundred male citizens of the United States residing in said Territory, and shall affix thereto their certificate to the effect that the same is the list from which the grand and petit jurors are to be drawn for the ensuing term of the court, and shall cause the same to be filed in the office of the clerk of said court; and whenever the judge shall order, the clerk to issue a venire, the clerk in the presence of the said attorney and marshal or their deputies shall write the name contained in the said list, each on a separate slip of paper, all the slips being of the same size and kind, and shall fold them uniformly so that the name written thereon shall be concealed, shall then place them in a covered box and thoroughly mix and mingle them, and shall then draw therefrom the requisite number of names. If a grand jury be required, it shall be drawn first. Both grand and petit juries thus drawn shall consist of the same number of men as are required in the circuit and district courts of the United States. The clerk shall make a list in writing of the names of the persons constituting each panel so drawn, and the clerk, attorney, and marshal shall affix thereto their certificates of the time and place of such drawing, and file the same in the office of said clerk, who shall forthwith issue a venire to the said marshal, commanding him to summon the men so drawn to attend and serve as such jurors at the time and place previously designated by the said judge, and such jurors shall constitute the regular panel for such term of the court for all cases, whether arising under the laws of the United States or under the laws of said Territory. If at any time talesmen shall be required, their names may be drawn from the said box by the clerk in open court, or they may be summoned from the bystanders or from the vicinage as the presiding judge shall direct. No challenge shall be allowed on the ground that a juror had been summoned or had served at a previous time of court. Each party, whether in civil or criminal cases, shall be allowed six peremptory challenges. In criminal cases the court and not the jury shall pronounce the punishment under the limitations prescribed by law.

Sec. 8. That in all suits or proceedings at law or in equity wherein the United States are neither a party nor interested, costs may be taxed against and collected of the proper parties, under the direction of the court or of the clerk thereof, and the collection thereof enforced by execution or attachment against the property of the party. The fees of the jury shall be advanced by the winning party, but may be recovered back as a part of the costs in the case.

Sec. 9. That the United States attorney, United States marshal, and each grand and petit juror, shall receive for his services in criminal cases or proceedings arising under the laws of the Territory, the same fees or compensation as are allowed for like services in criminal cases or proceedings arising under the laws of the United States,

and such fees or compensation being fixed by the court or judge before whom the services are rendered, or, in case of the attorney and marshal, by the supreme court of the Territory, shall be paid to the said attorneys, marshal, and jurors respectively from the territorial treasury on the thirtieth day of June and thirty-first day of December in each year; and if the territorial legislature shall fail to provide by law for the payment of said fees and compensation, then the same shall be paid out of the money appropriated by Congress for the compensation of members of the territorial legislature.

Sec. 10. That whenever marriage in said Territory of Utah rests solely on the contract of the parties followed by cohabitation, there being no form, manner, or ceremony prescribed therefor by the laws of said Territory, or requiring any recordation, certificate or publication of the same, in such case in all prosecutions for bigamy, polygamy, or adultery, it shall not be necessary to prove either the first or subsequent marriage by the registration or certificate thereof or other recorded evidence, but the same may be proved by such evidence as is admissible to prove a marriage in other cases, and proof of cohabitation by the accused with more than one woman as husband and wife, his declaration or admission that such women are his wives, his acts, recognizing, acknowledging, introducing, treating, or deporting himself toward them as such, shall be admissible as evidence.

Sec. 11. That in all cases or proceedings when imprisonment may be ordered, if there be no jail or prison in which the person to be imprisoned can with safety be kept, the court or judge may order such person to be confined in any military prison or camp of the United States in said Territory, and the officer or person in command of such prison or camp is hereby authorized and required, on the order of the court or judge, to receive and safely keep such person until he shall be lawfully discharged from custody.

Sec. 12. That if the United States marshal, or any of his deputies, shall be resisted, or threatened with resistance, in the execution of any writ, order, process, judgment, or decree of any court or judge of said Territory, said marshal, or either of his deputies, may, if, in his judgment, assistance is necessary, apply to the commander or person in charge of any military camp or post of the United States in said Territory, or to any one having charge of troops of the United States therein, for a posse to aid such officer, and upon such application being made, the commander or person in charge of such military camp, post, or troops is hereby authorized to detail a sufficient number of men to enforce the writ or other process, whatever it may be, which is being, or is threatened to be, resisted; and said marshal, or either of his deputies, may make application for such assistance when necessary to suppress any mob, riot, or other disturbance of the peace.

Sec. 13. That it shall be the duty of the governor of said Territory, so often as it shall appear necessary, to inspect, or cause to be inspected, the jails or other prisons in said Territory, and the manner prisoners are held, treated, and imprisoned therein; and the governor shall make rules for the regulation and government of said jails and prisons; and he is hereby empowered to remove the wardens and keepers of all jails and prisons or other officers connected therewith, and appoint others in their stead, as often as, in his opinion, the public good shall require.

Sec. 14. That no alien living in, or practicing bigamy or polygamy, shall be admitted to citizenship of the United States.

Sec. 15. That in the absence, or in case of sickness or disability, of any of the judges of said Territory, or for any cause whatever which renders it necessary, it shall be competent for either of the judges to hold court in any of the judicial districts of said Territory; and it is hereby made the duty of said judges, upon the request or direction of the executive of the Territory in writing, setting forth the reason and necessity of such request or direction, to proceed to the district designated and hold the terms of the court therein until such necessity shall cease.

Sec. 16. That the probate judges, justices of the peace, judges at all elections, notaries public, and sheriffs in said Territory shall be appointed by the governor, be subject to removal by him, and shall hold their offices for the term prescribed by law, or until their successors are appointed and qualified.

Sec. 17. That an appeal by any party aggrieved shall be allowed from all final decisions, orders, judgments, or decrees of all inferior courts in said Territory to the district court of the proper district; and in correction of the proceedings of such inferior courts of said Territory, and to prevent and correct abuses by the same, the district courts of said Territory are hereby authorized to issue writs of error, certiorari, mandamus, injunction, prohibition, and quo warrant; and in all cases of appeal from one court to another, where a bona-fide or other security is required to be given by the party appealing, it shall not be lawful to demand or exact of such party the payment of costs adjudged or taxed against him until the appeal shall be finally disposed of by the appellate court; and the supreme court of said Territory may make rules and regulations as to the mode and manner of taking and perfecting appeals from one court to another in said Territory, and the security, if any to be given in such appeals, so that the just rights of the parties may be secured and preserved.

Sec. 18. That in all cases of election by ballot it shall be unlawful for any person to put any number, figure, or device upon said ballot, whereby any person may be enabled to ascertain by whom the ballot was given, and any violation, or attempt to violate, this provision, shall be deemed a felony, and the person so offending may be punished by a fine not exceeding five hundred dollars, or by imprisonment at the discretion of the court; and at all elections none but male citizens of the United States, over twenty-one years of age, residing in the precinct or election district, and not disqualified by conviction of crime, shall be competent voters.

Sec. 19. That the probate courts in their respective counties in said Territory are hereby authorized to hear, try, and determine civil causes wherein the debt or damages claimed does not exceed one hundred dollars, but shall not exercise any criminal jurisdiction; and the twenty-ninth section of an act of the territorial legislature of Utah conferring general and unlimited jurisdiction on the probate courts both in civil and criminal cases, entitled "An act in relation to the judiciary," approved January nineteenth, eighteen hundred and fifty-two; also, the second section of an act entitled "An act for the regulation of attorneys," approved February eighteenth, eighteen hundred and fifty-two; and also an act entitled "An act containing provisions

applicable to the laws of Utah," approved January fourteenth, eighteen hundred and fifty-four, be, and the same are hereby, disapproved and repealed.

Sec. 20. That the district courts of said Territory shall have exclusive original jurisdiction in all suits for divorces or alimony.

Sec. 21. That all laws and parts of laws of Utah Territory which in any way interfere with the primary disposal of the soil or the possession thereof of the United States, are hereby disapproved and annulled.

Sec. 22. That if any person not qualified to vote shall vote, or offer to vote, at any election, or if any qualified voter shall cast, or offer to cast, at any election more than one vote for the same officer or officers, he shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any court having jurisdiction, be punished by a fine not exceeding five hundred dollars, or by imprisonment in the penitentiary not exceeding one year, or by both such fine and imprisonment, at the discretion of the court.

Sec. 23. That this act shall take effect from and after its passage, and all acts and parts of acts of the United States or of the legislature of Utah, so far as the same is inconsistent herewith, are hereby repealed and disapproved.

Sec. 24. That the time limited in the third section of the act of the legislative assembly of Utah entitled "An act prescribing rules and regulations for the execution of the trust created under an act of Congress entitled 'An act for the relief of the inhabitants of cities and towns on the public lands,' approved March, eighteen hundred and sixty-seven," approved February seventeenth, eighteen hundred and sixty-nine, in which the rightful owners or claimants of lands within cities and towns of said Territory are required to file the statement prescribed by said act, shall not apply to persons who, at the expiration of said limitation, were either infants, females, convicts, insane, or in prison, but such persons shall have one year after the removal of their disability in which to file said statement.

Sec. 25. That the common law of England in force in the colonies of America, at the date of the Declaration of Independence, is hereby extended over and declared to be in force in the Territories of the United States, so far as the same is applicable; *Provided*, That nothing herein shall be construed to prevent the territorial legislatures of the respective Territories from modifying the same, or pass codes of civil procedure: *And be it further enacted*, That the act of the territorial legislature of Utah entitled "An act limiting the time of commencing civil actions," approved February sixteenth, eighteen hundred and seventy-two, is hereby disapproved.

Sec. 26. That section three of an act entitled "An act concerning the property rights of married persons, passed by the legislative assembly of Utah, approved February sixteenth, eighteen hundred and seventy-two, is hereby disapproved.

[From Tuesday's Daily.

Correspondence.

VENICE, Italy, Jan. 6th, 1873.

Editor Deseret News:

Having completed our explorations in this city, I will now send you a few items extracted from my journal.

The R. R. over which we traveled, as it approaches Venice, is built on piles, extending about two miles from the mainland, before it reaches the suburbs of the city—the station was about one mile distant from our hotel, "Grand Hotel Victoria." Our usual mode of conveyance was not at our command. We had passed the limits of cabs and omnibuses—they are known only in story by the Venetians. But three horses could be found in all Venice, and these were exhibited as objects of curiosity and as specimens of the singular quadruped employed for service and pleasure by people beyond the sea.

We took two gondolas, each propelled by two oarsmen, and steered for the hotel. It was dark and we could discern objects around us only as they appeared in the light from lamps suspended here and there, from buildings which lined the narrow passages through which we passed, as we wended our way into narrow lanes turning this way and that, until we seemed lost in a labyrinth of turns and angles. At last we terminated our perambulations at the lower steps of a large stone stairway. Here we were received by the proprietor of the hotel, who conducted us up several flights of stairs, and into elegant, capacious apartments.

Venice contains a population of one hundred and thirty thousand. It is situated on a cluster of small islands, seventy or eighty in number, several miles from the mainland, in the midst of a broad sheet of water, partially separated from the sea by a large sandbank several miles in length. These islands are made principally of mud thrown up by the currents of water, not sufficiently consolidated, however, to build upon, independent of artificial appliances. The following manner is commonly adopted in preparing the foundations: The spot selected for the edifice is enclosed by some substantial work, impervious to water, sunk into the mud. The water is then pumped out, and the mud or loose dirt excavated from six to eight feet in depth. The space is then filled with piles driven to a depth of fifteen or twenty feet. Cement is filled in between them and the tops

covered with the same material. Thick planks are laid over this covering, upon which are built three or four feet of rock. The dirt or mud is replaced around this mass, so that the entire woodwork is perfectly covered. The walls of the buildings, consisting chiefly of small red brick, are laid upon this rockwork, which stands one foot or more above high water mark. Except in one or two instances we saw no appearance of the walls giving way, although some of these edifices have been standing probably one thousand years. A vast amount of expense is incurred in constructing these foundations; it is said that half the cost of the buildings in Venice lies under water.

The Grand Canal runs tortuously through the city, and is the principal thoroughfare for traffic or amusement. The city is intersected by one hundred and forty-six small canals which constitute the water streets of Venice, affording means for passengers to be conveyed to any quarter of the city. Three hundred and six bridges cross these canals. The Grand Canal, which varies in width from one hundred and fifty to three hundred feet, is crossed by the famous bridge Rialto, under which we passed on one of our excursions. There are passages alongside of some of these canals and in various other parts of the city leading over the bridges, but they are very narrow and crooked, frequently not over seven and generally not exceeding ten feet in width.

We visited the Armenian Monastery, on the Island of St. Lazarus, about two miles from our hotel. We reached it by the usual mode, the gondola—enjoyed a pleasant ride over a broad sheet of water dotted with ships, steamers and multitudes of gondolas. On arriving at the monastery, the presiding monk received us kindly, and conducted us through the establishment, and gave such statistical information as we required in relation to the affairs of the society and the institution. It embraces a college for young Armenians, a museum, a library of thirty thousand volumes, a printing press and office, and a beautiful chapel. Lord Byron lived here six months and studied the Armenian language. We saw his autograph which was written in several languages. A singular custom prevails of hoisting the Turkish flag every Sunday morning upon the summit of the monastery. At the present time twenty monks, thirty students and some twenty assistants constitute the number in the establishment. The buildings were given by the Venetian government to a Benedictine monk, who had been expelled by persecution from his native country.

Some of their customs and regulations are rather peculiar. They rise in the morning at a given signal, breakfast at eight, dine at twelve, when portions of Scripture are read, and retire at ten p.m. All are habited in black gowns. None are admitted as students but Armenians. They must possess a natural capacity for mental culture, and remain in the institution till they have acquired a highly finished education. Every department of this singular and interesting establishment bore a neat and orderly appearance, yet rather sombre and gloomy, owing no doubt to the fact that woman is excluded from the society.

President Smith described our pilgrimage to the great American Desert—what we had accomplished as a people, and explained some of the prominent features of our religion, all of which was listened to with marked attention, and enquiries were made on various subjects connected with our history.

On returning to our hotel we passed a "Mad House"—some of the inmates were playing on musical instruments, others were silently gazing through their windows upon the sea, some fiercely gesticulating as though angry at our approach, while others again were rushing to and fro yelling and shrieking like so many demons. The scene was horrible. We intended a visit inside the building, but what we witnessed answered our purpose.

We visited the National Arsenal containing models of ships, galleys, &c., with specimens of various arms and armor used by the Venetians in their wars at different periods, also many trophies taken from the Turks and other enemies.

Two statues standing together in a conspicuous position, appeared to attract considerable attention from visitors. They represented two Turkish generals chained together

and suffering death by a singular method of torture. These officers, in a battle with the Venetians, had taken one of their generals prisoner, whom they caused to be flayed alive—his skin sewed together, stuffed with straw—the figure dressed in his own clothing, and then exhibited to the Turkish populace for their amusement. These officers were afterwards captured by the Venetians, stripped, chained together, placed in an exposed condition and covered from head to foot with honey or molasses, and left to be eaten by flies, gnats, musquitoes and other insects.

Venice, which now forms a portion of the kingdom of Italy, for over thirteen hundred years maintained a republican form of government. It had a succession of one hundred and twenty-two Doges, the last of whom, Daniel Manin, abdicated in August 1849, and was driven into exile by the Austrians. He went to Paris, where he was obliged to give lessons in Italian, to sustain himself and family. He died in Sept. 1857.

In the brightest day of its prosperity, the republic possessed over three thousand mercantile ships and thirty-six thousand sailors, and considered itself mistress of the seas. Several interesting circumstances connected with the history of this government, strikingly illustrated by various objects we saw, I should like to notice, but must defer for the present.

LORENZO SNOW.

The Georgia papers are calling for the repeal of the usury laws of that State.

"None but farmers for legislators" is the motto of a strong rural organization in Iowa.

The prohibitory liquor law has had the effect of closing all but 2,768 bars in Boston.

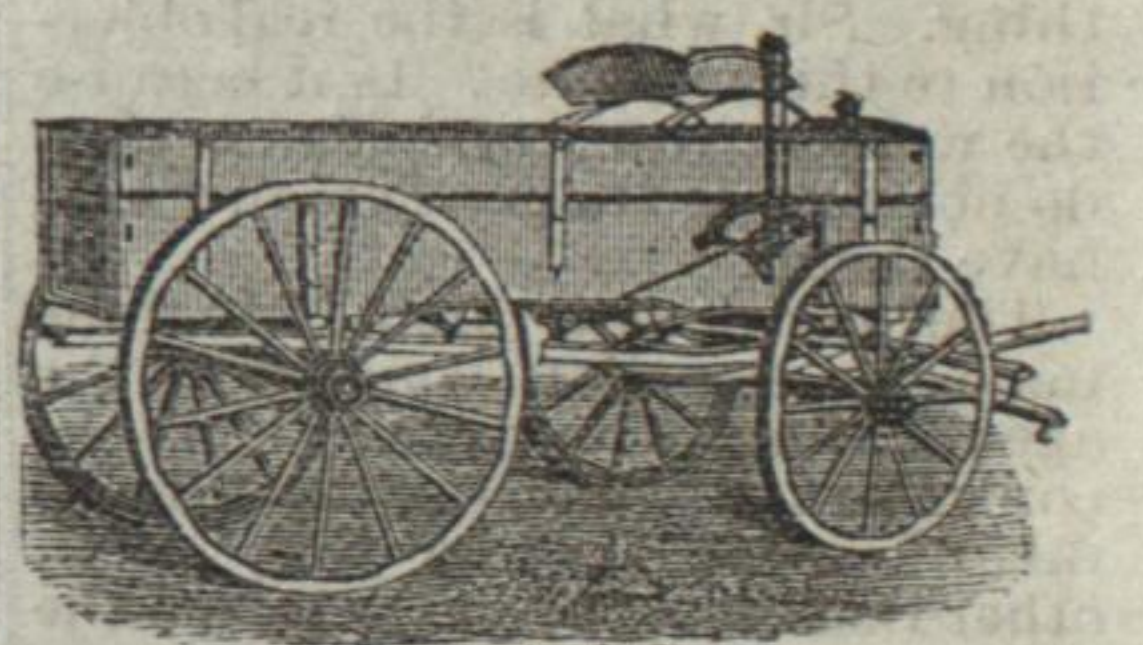
A Missouri German undertook to fast forty days in the wilderness, but died on the twenty-seventh.

Two men in Brazil, Ind., lately signed a contract in blood never to taste liquor again.

ESTRAY.

I HAVE in my possession one red Steer, one year old last Spring, white in face and white on the belly, branded A J on right hip. If not claimed and taken away, it will be sold to the highest bidder on February the 20th, 1873. JOSEPH H. FISHER, District Pound-keeper, Coalville. d70 s5 w3 1c

BAIN WAGON.



Factory Established in 1852.

And have ever since been sold and used in great numbers in all the Territories with

GREAT SUCCESS.

They are now doing the best work in the Territory.

ALL WORK WARRANTED FOR ONE YEAR

WAGON MATERIAL ON HAND

VERY LOW.

ALSO:

COAN & TEN BROEK'S
Concord Buggies, and Harness

On hand and receiving in large assortment

FIRST WAGON DEPOT

SOUTH OF THE THEATRE.

SEBREE & ROBERTSON,
46s w24y Salt Lake City, Corinne & Ogden.