

equal share with his brothers and sisters.

Fourth. If the intestate shall leave no issue, nor widow, nor father, and no brother nor sister living at his death, his estate shall descend to his mother, to the exclusion of the issue, if any, of deceased brothers or sisters.

Fifth. If the intestate shall leave no issue, nor widow, and no father, mother, brother, nor sister, his estate shall descend to his next of kin, in equal degree, excepting that where there are two or more collateral kindred in equal degree, but claiming through different ancestors, those who claim through the nearest ancestor shall be preferred to those claiming through an ancestor more remote: *Provided, however:*

Sixth. If any person shall die, leaving several children, or leaving one child, and the issue of one or more other children, and any such surviving child shall die under the age of twenty-one years, and not having been married, all the estate that came to the deceased child by inheritance from such deceased parent shall descend in equal shares to the other children of the same parent, and to the issue of any such other children who shall have died, by right of representation.

Seventh. If at the death of such child who shall die under such age, and not having been married, all the other children of his said parent shall also be dead, and any of them shall have left issue, the estate that came to said child by inheritance from his said parent shall descend to all the issue of other children of the same parent; and if all the said issue are in the same degree of kindred to said child, they shall share the said estate equally; otherwise they shall take according to the right of representation.

Eighth. If the intestate shall leave a widow and no kindred, his estate shall descend to such widow.

Ninth. If the intestate shall leave no widow nor kindred, his estate shall escheat to said Territory for the use of primary schools.

Tenth. Every illegitimate child shall be considered as the heir of his mother, and shall inherit her estate in like manner as if born in lawful wedlock, but shall not be allowed to claim, as representing his mother, any part of the estate of any of her kindred, whether lineal or collateral; and in case he die intestate without lawful issue, his estate shall descend to his mother, or, if she be dead, then to his next of kin on the part of his mother, as if he had been legitimate.

Eleventh. Whenever the parents of an illegitimate child shall lawfully intermarry, and his father shall, after the marriage, acknowledge him as his child, such child shall be deemed legitimate to all intents and purposes.

Twelfth. A woman shall not be deemed the widow of an intestate who has not been lawfully married to him, or who, not having been thus married to him, has cohabited with him or has been considered by herself as his "spiritual wife," according to the rites, usages, and customs of the Mormons.

SEC. 18. *And be it further enacted,* That the degrees of kindred shall be computed according to the rules of the civil law; and kindred of the half blood shall inherit equally with those of the whole blood in the same degree, except in cases where the inheritance comes to the intestate by descent, devise, or gift of some one of his ancestors, in which case all those who are not of the blood of such ancestor shall be excluded from such inheritance.

SEC. 19. *And be it further enacted,* That the title of a lawful husband as tenant by the courtesy, and of a widow as tenant in dower, is hereby recognized in said Territory of Utah, and shall be enforced by all courts having cognizance thereof; but nothing in this act shall be held to affect any limitation of an estate by deed or will.

SEC. 20. *And be it further enacted,* That the inheritance or succession "by right of representation" takes place when the descendants of any deceased heir takes the same share or right in the estate of another person as their parent would have taken if living; and posthumous children born of lawful wedlock shall be considered as living at the death of their parents.

SEC. 21. *And be it further enacted,* That all criminal cases arising under said act of eighteen hundred and sixty-two, as well as all criminal cases arising under this act touching the solemnization of marriages, sealing or spiritual marriage, counselling or advising to commit the crime of polygamy, and being present at the ceremony of sealing herein mentioned, shall be heard, tried, and determined by the district

courts of said Territory of Utah, without a jury, upon information to be presented to the court by the attorney of said Territory, or by the prosecuting attorney of the county in which the offence is committed. Such information shall, before being presented to the court, be verified by the oath of the attorney presenting it, by the person prosecuting, or some other credible person; and the same being presented and filed, the court shall issue a warrant for the apprehension of the accused, who shall be entitled to bail as in cases of indictment. If the accused shall, on being arraigned, plead not guilty to the information, or if he shall refuse to plead thereto, which standing mute shall be deemed and treated as a plea of not guilty, the court shall proceed to hear the evidence in the case, both on the part of the prosecution and the defence, and to find the accused guilty or not guilty, as the evidence shall warrant, and thereupon to pass sentence upon or to discharge the accused. But the accused shall, on the trial, have the right to except to any rulings of the judge trying the case upon any question of law touching the admissibility of evidence offered on the trial of the accused, or touching any other question of law arising in the case, which exceptions shall be noted by the judge, and in case of a finding of guilty by the judge, he shall, if the accused shall so request of him, report the case to the supreme court of said Territory in such manner as fully and fairly to bring before it all such questions of law, to the end that said supreme court shall pass upon them and reverse or affirm the judgment, as right and justice may require.

SEC. 22. *And be it further enacted,* That the following entitled ordinances and acts, viz: An ordinance to control the waters of the Twin Springs and Rock Spring, in Tooele valley and county, for mills and irrigating purposes, approved December nine, eighteen hundred and fifty; An ordinance concerning City creek and cañon, approved December nine, eighteen hundred and fifty; An ordinance granting the waters of North Mill creek cañon, and the waters of the next cañon north, to Heber C. Kimball, approved January nine, eighteen hundred and fifty-one; An ordinance in relation to the timber in the mountains west of Jordan, approved January nine, eighteen hundred and fifty-one; An ordinance in relation to the cañons and mountains leading into Tooele valley and the cañons between Salt Lake valley and Tooele, approved January nine, eighteen hundred and fifty-one; An ordinance pertaining to North Cottonwood cañon, approved January thirteen, eighteen hundred and fifty-one; An act granting Heber C. Kimball, Jedediah M. Grant, Samuel Snyder, and their associates, the right of ground for herding, approved January nineteen, eighteen hundred and fifty-five; An act granting unto Miles Weaver and Franklin Weaver a herd ground in Utah county, approved January nineteen, eighteen hundred and fifty-five; An act granting unto Orson Pratt, Ormus E. Bates, Edwin D. Woolley, Lewis E. Riter, Vincent Shirliffe, and Enoch Reese a portion of Lone Rock valley for a herd ground and other purposes, approved January six, eighteen hundred and fifty-six; An act granting a ranch and herd grounds unto Brigham Young and Thomas Rhoades, approved December eighteen, eighteen hundred and fifty-five; An act granting unto Brigham Young, trustee in trust for the Church of Jesus Christ of Latter-day Saints, Cache valley, for herding and other purposes, approved December eighteen hundred and fifty-five; An act granting unto James G. Browning, Erastus Bingham, senior, James Brown, senior, Thomas Dunn, and Lorin Farr, Ogden valley for a herd ground, approved December twenty-seven, eighteen hundred and fifty-five; An act granting unto Phineas H. Young, Albert P. Rockwood and Jesse Hobson, Fremont Island in Great Salt Lake, for herding and other purposes, approved December twenty-seven, eighteen hundred and fifty-five; An act granting unto Brigham Young, Wilford Woodruff, Luke Johnson, James W. Cummings, Samuel Benion, William A. Hickman, Jesse C. Little, and Claudius V. Spencer, Rock valley for a herd ground and other purposes, approved December thirty-one, eighteen hundred and fifty-five; An act granting to Elias Smith, Joseph Cain, Samuel W. Richards, and those whom they may associate with them, the right of a herd ground in Juab county, approved January two, eighteen hundred and fifty-six; An act granting Benjamin F. Johnson and Isaac Morley the right of controlling the district of Santaquia, heretofore known as Summit Creek, with the natural facilities establishing a herd ground,

and so forth, approved December thirty-one, eighteen hundred and fifty-five; An act granting unto Thomas J. Thurston, Jedediah M. Grant, and George W. Thurston, the south end of Weber valley for a herd ground and for other purposes, approved January two, eighteen hundred and fifty-six; An act granting unto Franklin D. Richards, Silas Richards, Isaac Morley, James C. Snow, Aaron Johnson, Lorenzo H. Hatch, Leonard E. Harrington, a herd ground in Cedar and Juab counties, approved January five, eighteen hundred and fifty-six; An act granting unto Ezra T. Benson, William H. Hooper, Thomas S. Williams, Gilbert Webb, and David Candland, a herd ground in Lone Rock valley, approved January five, eighteen hundred and fifty-six; An act granting unto John Stoker, William Smith, John W. Hess, and Abiah Wadsworth, the north end of Weber valley for a herd ground and other purposes, approved January eight, eighteen hundred and fifty-six; An act granting unto Jacob G. Bigler, Charles H. Bryan, George W. Bradley, Israel Hoyt, and William Cozier, a herd ground, in Juab valley, approved January twelve, eighteen hundred and fifty-six; An act granting a herd ground unto Heber C. Kimball and John D. Parker, approved January twelve, eighteen hundred and fifty-six; An act granting a herd ground to Lorenzo Snow, Franklin D. Richards, Phineas H. Young, Daniel Spencer, Eli H. Pierce, Charles W. Hubbard, and Jonathan Browning, approved January twelve, eighteen hundred and fifty-six; An act granting unto William W. Phelps and Hugh McKinney a herd ground, approved January twelve, eighteen hundred and fifty-six; An act granting unto Frederick Kesler a herd ground, approved January seventeen, eighteen hundred and fifty-six; An act granting unto the San Pete Coal Company a herd ground in San Pete county, approved January seventeen, eighteen hundred and fifty-six; An act granting unto Heber C. Kimball and William McBride a herd ground, approved January three, eighteen hundred and fifty-seven; An act granting unto Seth M. Blair, John Brown, Preston Thomas, and Alonzo S. Blair, a herd ground in Rush valley, approved January fourteen, eighteen hundred and fifty-seven; An act granting unto Lorenzo D. Young a herd ground in Great Salt Lake county, Utah Territory, approved January fourteen, eighteen hundred and fifty-seven; An act granting unto Rufus C. Allen, Lorenzo W. Roundy, Amos Thornton, and Richard Robison, a herd ground in Iron and Washington counties, Utah Territory, approved January fourteen, eighteen hundred and fifty-seven; An act granting unto Lewis Robinson the right of certain lands for a herd ground, farming, and other purposes, in Green River county, approved January fourteen, eighteen hundred and fifty-seven; An act granting unto Warren S. Snow, George Snow, Jeremiah Hatch, Daniel B. Funk, and John Lowrey, junior, a herd ground in San Pete county, approved January fourteen, eighteen hundred and fifty-seven; An act granting a herd ground and making an appropriation for military purposes, approved January fourteen, eighteen hundred and fifty-seven; An act granting a ranch and herd ground unto James C. Snow, James Adams, Charles Carrol, George W. Bean, Edson Barney, William A. Follett, and Philander Colton, approved January fifteen, eighteen hundred and fifty-seven; and all other laws and parts of laws of Utah Territory which in any way interfere with the primary disposal of the soil by the United States, are hereby disapproved and annulled.

SEC. 23. *And be it further enacted,* That all that part of section two of the act or ordinance entitled "An ordinance incorporating the Church of Jesus Christ of Latter-day Saints," which declares that the real and personal property of said church shall be free from taxation, and all that part of section three of said ordinance which declares that the said church has the original right to solemnize marriages compatible with the revelations of Jesus Christ, and also all that part of said section which declares 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 offences relative to fellowship, according to church covenants—that the pursuit of bliss and the enjoyment of life, in every capacity of public associations and domestic happiness, temporal expansion or spiritual increase upon earth may not legally be questioned—be, and

the same is hereby, disapproved and annulled.

SEC. 24. *And be it further enacted,* That the registry of marriages, births, and deaths, required in the fourth section of said ordinance to be kept, shall be at all times, at reasonable hours open and free for the inspection and examination of all persons. And any refusal to exhibit the said registry of marriages, births and deaths, kept at any branch or station, or at any other place under the authority and direction of said church or for its use, shall be deemed a misdemeanor, and upon conviction thereof before any court having jurisdiction, the offender shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the penitentiary not exceeding one year, by both such fine and imprisonment, at the discretion of the court.

SEC. 25. *And be it further enacted,* That it shall be the duty of all persons having such registries as are mentioned in the fourth section of said ordinance in their possession or under their control forthwith to produce such registries or registries, before any court, judge, or justice requiring the same in the course of any legal proceeding, and a refusal to produce such registry in any court or before any judge or justice when thereto required as aforesaid, shall be deemed a contempt of court, and the court, judge or justice may proceed in a summary manner to enforce obedience to such request or order by attachment, fine, and imprisonment.

SEC. 26. *And be it further enacted,* That it shall not be lawful for said church, or its officers or members, such, to grant divorces or solemnize marriages.

SEC. 27. *And be it further enacted,* That it shall be the duty of the trustee or trustees in trust of said church annually, each year, between the first and last days of November, to make a report to the governor of the Territory which shall be verified by the oath of said trustee or trustees in trust; and the said trustee or trustees in trust shall set forth, in said report, a full and perfect list of the real and personal estate belonging to said church, or possessed and occupied by such church or by any person or persons for the use and benefit of said church, or by its permission, the description, location, and quantity of each parcel of land or real estate, and the value thereof, as near as may be, shall be specifically set forth, and the name of the person or persons of whom the same was acquired. And there shall be set forth, in said report, a full list of all the personal estate or property belonging to said church, or in its possession or occupation, or in the possession or occupation of any person or persons for the use and benefit of said church, and the name of and description and value of each kind of personal property or estate, and the place where the same is situated or located, and the name of the person or persons in whose custody or possession such property may be. And the report shall set forth specifically the amount of money belonging to said church or in its possession, or in the possession of any person or persons, corporations or associations, for the use and benefit of said church, the amount of deposits in bank or elsewhere, which have been made for and by said church, or by any person or persons for the use and benefit of said church. And all deposits or trust which have been made in the name of any person or persons, for the use and benefit of said church or intended for the benefit thereof, and the times such deposits were made, and by whom made, and the amount and conditions of each deposit. And there shall be set forth in said list all notes and demands belonging to said church and in its possession, or in the possession of any person or person for the use and benefit of said church, and the names and places of the residence of such persons as may have any notes or demands belonging to said church in their possession.

SEC. 28. *And be it further enacted,* That in case of neglect or refusal of said trustee in trust to make a full and perfect report as herein required, it shall be the duty of the governor of said Territory, within three days after the expiration of the time for filing such report, to make and file with one of the justices of the supreme court a complaint setting forth the neglect or refusal of said trustee or trustees in trust to file such report as is hereby and here in required, and upon receiving such complaint it shall be the duty of such justice to issue a warrant, directed to the marshal of said Territory, commanding him to apprehend the said trustee in trust, and, upon the said trustee in trust being brought before said justice, he shall direct him or them to make such