

[PUBLISHED BY AUTHORITY.]

MINUTES OF THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF UTAH. TWENTY-FIRST SESSION, 1874. COUNCIL.

COUNCIL CHAMBER,
SALT LAKE CITY,
January 19th, 1874.

Council met pursuant to adjournment.

Roll called. Quorum present.

Prayer by the chaplain.

Councilor Young presented petition of Joseph L. Heywood and 113 others praying for a city charter for Pangwitch, which was read, and

On motion of Councilor Young was referred to the committee on municipal corporations and townships.

Communications were received and read, from Gen. Morrow, Chief Justice McKean, Hon. Z. Snow, E. D. Hoge, Esq., thanking the Council for the courtesy extended to them in the tender of the freedom of the Council Chamber.

Councilor Hooper gave notice that on Tuesday he would introduce a bill for "An act to prevent frauds and perjuries," also a bill for "An act to provide for the formation of corporations for Public Libraries, Literary and Scientific Institutions." Leave granted.

Councilor Caine, pursuant to notice given on Saturday, presented C. F. No. 6. "An Act concerning fraudulent conveyances and contracts," which

On motion of Councilor Caine was referred to the Committee on Judiciary.

Councilor Harrington, Chairman of the Committee on Judiciary, presented the following—

To the President and Members of the Legislative Council,

GENTLEMEN—Your Committee on Judiciary, who were instructed to enquire whether the Commissioner elected by the Legislative Assembly at its last session, has performed the labors assigned, viz: "To select, arrange and compile, the laws of the United States, applicable to this Territory," respectfully submit that they have inquired into the matter, and present the report of said committee for consideration.

L. E. HARRINGTON,
Chairman.

To the Honorable the Legislative Assembly of the Territory Utah:

GENTLEMEN:—Having been appointed by your honorable body, Commissioner "to select, arrange and compile, with suitable index, marginal notes and table of contents, for publication, such laws of the Congress of the United States as are applicable to or in force in this Territory," I respectfully submit the following report of my doings in the premises.

Immediately after my appointment the work of compiling was commenced and continued until the compilation was ready for the press.

On the ninth of May, 1872, a requisition was made on the Secretary of the Territory for the necessary funds to enable your Commissioner to prosecute the work of compiling and printing, but his honor George A. Black declined and refused to pay the expenses of the same, or any part thereof, saying that he was not authorized to so disburse the funds appropriated by Congress for legislative purposes, hence your Commissioner was obliged to resort to the appropriation made by you at your last session for this purpose.

While at work on the compilation I was in frequent communication with the public printer to ascertain when he would be ready to commence printing the same, and on the twenty-fourth day of October, 1872, the compilation being then ready for the press, was deposited with the public printer, and remained in his possession until some time last fall, when it was taken away while the laws passed at the last session of Congress which were applicable to the Territory were added to it.

The printer commenced work on the compilation about the first of the present month, and has consid-

erable of it now in type, but when it will be completed we cannot say definitely now, but believe it is the intention of the printer to continue at the work until it is completed. The copy is all ready for the press, with marginal notes, but the index and table of contents cannot, of course, be prepared until the body of the work is in type.

The cost of the compilation thus far has been—

For 125 days' work, at \$3.00 per day	\$375 00
For Stationery used	75 00
For Room, Fuel and Lights	50 00
	\$500 00

I have drawn from the Territorial treasury—

For Work, etc., as above	\$500 00
For Paper for public printer	500 00
Which leaves a balance of the appropriation made by you at your last session undrawn of	1000 00

In conclusion I would say that your commissioner is now and has at all times since his appointment, been ready to complete the work without delay, and has only been deterred by the public printer not being prepared to do the printing as fast as the matter was ready for the press.

Regretting that the work is not completed, so that a full report could be made, and hoping that it may be done before the close of the present session,

I am,
Your very obedient servant,
F. S. RICHARDS,
Jan. 19, 1874. Commissioner.

On motion of Councilor Woodruff the report was accepted and ordered spread on the minutes.

Councilor Jennings, pursuant to notice, presented (C. F. No. 7.) A Bill for "An Act defining the qualifications of, and mode of selecting and summoning Grand and Petit jurors," and

On motion of Councilor Jennings it was referred to the Committee on Judiciary.

Councilor Caine gave notice that on Tuesday he would introduce a bill for "An Act concerning the proof and acknowledgement of conveyances and other instruments in writing, affecting real estate."

On motion of Councilor Jennings the Council adjourned.
Benediction by the Chaplain.

HOUSE.

REPRESENTATIVES' HALL,
January 19, 1874.

Roll called. Quorum present.

Prayer by Mr. Wright.

Mr. Rockwood presented the report of recorder of Marks and Brands, which was read and,

On motion of Mr. Morrison, was referred to Committee on Agriculture, Trade and Manufactures, and,

On motion of Mr. Thurber, the House adjourned till two p. m. tomorrow.

Benediction by Mr. Partridge.

COUNCIL.

COUNCIL CHAMBER,
SALT LAKE CITY,
Jan. 20th, 1874.

Council met pursuant to adjournment.

Roll Called. Quorum present.

Prayer by the chaplain.

Councilor Caine presented (C. F. No. 8) "An act concerning the proof and acknowledgment of conveyances and other instruments in writing, affecting real estate," and

On motion of Councilor Caine was referred to the Committee on Judiciary.

Councilor Stayner gave notice that on Wednesday he would introduce a bill for "An act to regulate fees and compensation for official and other services in the Territory of Utah."

Councilor Stayner presented the following:

I move that the committee on elections be instructed to report at an early date a bill for a registration law, in connection with the bill for "An act amending an act regulating elections, approved Jan. 3rd, 1853 and for other purposes," already under consideration by said committee.

ARTHUR STAYNER.

Seconded and carried.

Councilor Harrington presented report of the Territorial Marshal, with accompanying documents, which

On motion of Councilor Harrington

was referred to the committee on Claims and Appropriations.

Councilor Caine gave notice that at an early day he would introduce a bill for "An act to change the names of John, Samuel and Thos. A. Mycock."

Councilor Hooper, pursuant to notice of yesterday, presented (C. F. 9). A bill for "An act to provide for the formation of corporations for Public Libraries, Literary and Scientific Institutions" which was read by its title, and

On motion of Councilor Hooper was referred to the committee on General Incorporations.

The following was received from the House:

REPRESENTATIVES' HALL,
January 20th, 1874.

Hon. Lorenzo Snow, Pres., and Members of the Council:

GENTLEMEN:—The House has appointed Messrs. A. K. Thurber and S. S. Smith a committee to act in conjunction with like committee from the Council, to examine the redeemed Auditor's warrants and compare them with the Auditor's and Treasurer's books, and report to this House.

ORSON PRATT, Sen.,
Speaker.

On motion of Councilor Young, that a committee of one be appointed to act with the House Committee, the President appointed Councilor Young said committee.

Councilor Caine gave notice that on Wednesday he would introduce a bill for "An Act requiring compensation for causing death by wrongful act, neglect, or default."

On motion of Councilor Woodruff, the Council adjourned.

Benediction by the Chaplain.

HOUSE.

REPRESENTATIVES' HALL,
January 20th, 1874.

Roll called. Quorum present.

Prayer by Mr. Grover.

Letters were received from the following gentlemen, viz:

Z. Snow, Terr. Attorney General, Rev. R. M. Kirby, E. D. Hoge, Ex-Ass-Judge, Gen'l H. A. Morrow, James B. McKean, Chief Justice, and G. B. Overton, Receiver, acknowledging the courtesy extended to them by the House.

Mr. W. R. Smith presented the financial report of Davis County, which was read, and,

On motion of W. G. Smith, referred to committee on Revenue.

A petition from the Probate Judge and Selectmen of Summit County, praying for the establishment of the boundary line between Summit and Morgan Counties, was presented by W. W. Cluff, and referred to the Committee on Counties.

Mr. Thurber moved that a committee of two be appointed from the House to act in conjunction with a like committee from the Council, to examine the redeemed Auditor's warrants and compare them with the Auditor's and Treasurer's books and report to this House. Seconded and carried.

Mr. W. G. Smith moved that the Sergeant-at-arms be authorized to procure a Territorial map, and that said map be hung in some suitable place upon the wall of the Representative's Hall for the use of the members of this Legislature during its present session. Seconded and carried.

W. Wright presented an "Act entitled an act establishing district and precinct pounds and prescribing regulations for conducting the same and disposing of stray animals, which was read and referred to the Committee on Agriculture, Trade and Manufacture.

Mr. Grover presented a bill for an act supplementary to an act conferring upon women the elective franchise, which was read and referred to the Committee on Elections.

Mr. W. R. Smith moved that the Committee on Elections be instructed to take into consideration the propriety of connecting a registration law, with a bill now in their possession entitled "An act further defining the mode of procedure at elections," which was seconded and carried.

Mr. Murdock presented certified bill of expenses for jurors for the Second Judicial District, which, on motion of Mr. Grover, was referred to the Committee on Claims and Appropriations.

Mr. Hatch moved that the freedom of the House be extended to the following gentlemen, viz:

Nathan Kimball, Surveyor General of Utah Territory, Col. B. A. M.

Froiseith and Capt. Joseph Gorlinski. Seconded and carried.

Minutes read, and

On motion of Mr. Wright the House adjourned till 2 p. m. tomorrow.

Benediction by Mr. Grover.

SARGENT'S "AID" TO UTAH BILL.

In the Senate of the United States,
JANUARY 9, 1874.

Mr. Sargent asked and, by unanimous consent, obtained leave to bring in the following bill, which was read twice, referred to the Committee on the Judiciary, and ordered to be printed:

A BILL

IN AID OF THE EXECUTION OF THE LAWS IN THE TERRITORY OF UTAH.

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 appointments by the judge of the district court of the district in which each is appointed. And said deputies shall each 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 court, or by any judge thereof.

SEC. 3. That the United States district attorney of said Territory may also appoint assistants in each of the judicial districts of said Territories: *Provided*, That before any such assistant shall enter upon the discharge of his duties, his appointment shall be approved by the presiding judge of the district court of the district for which such appointment is made; and said assistant shall take and subscribe to 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 court. The same fees and emoluments as the district attorney would be entitled to for the same service shall be allowed for the services of assistant district attorneys.

SEC. 4. That it shall be the duty of said district attorney, in person or by his assistants, to attend all 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 persons, 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 and the United States marshal and clerk shall make a list in writing of two hundred citizens of the United States residing in said district, and shall affix thereto the 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 said judge and marshal or his deputy, shall write the names 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 draw therefrom the requisite

number of names. If a grand jury be required, it shall be drawn first. Both grand and petit jurors thus to be drawn shall consist of the same number of men as are required in the circuit and district courts of United States. The clerk shall make a list in writing of the names of the persons constituting each panel so drawn, and the clerk 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 persons 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 term 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 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, clerk, 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 ascertained by the court or judge before whom the services are rendered, or in the case of the attorney and marshal by the supreme court of the Territory, shall be paid to the said attorney, marshal, and jurors, respectively from the Territorial treasury, on the thirtieth day of June and the thirty-first day of December in each year.

SEC. 10.—That whereas 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 record, 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 civil 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 towards 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 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