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IN THE SENATE OF THE UNITED STATES.

DECEMBER 6, 1869.

Mr. CRAGIN asked and, by unanimous consent, obtained leave to bring in the following bill; which was read twice and ordered to be printed.

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**A BILL**

To provide for the execution of the law against the crime of polygamy in the Territory of Utah, and for other purposes.

1       *Be it resolved by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That citizens only of the United States shall be competent  
4       to serve as grand or petit jurors in the Territory of Utah.

1       SEC. 2. *And be it further enacted,* That the marshal or  
2       other officer, in selecting grand or petit jurymen, shall select  
3       them from the body of the people. And in the trial of any  
4       case in which the United States shall be a party the United  
5       States shall have the same right to challenge jurors as the  
6       other party has.

1       SEC. 3. *And be it further enacted,* That it shall be the  
2       duty of the United States marshal, in person or by his depu-  
3       ties, to attend all the courts held by the United States justices  
4       or judges in said Territory, and to serve and execute all

5 process and orders issued or directed by said courts or by the  
6 judges thereof.

1       SEC. 4. *And be it further enacted,* That in the absence,  
2 or in case of sickness, or other disability, of any of the judges,  
3 it shall be competent for either of the other judges to hold a  
4 court in the district of the absent or disabled judge, and to  
5 perform any and all official duties in such district which might  
6 be performed by the judge assigned to such district were he  
7 personally present and not disabled; and it is hereby made  
8 the duty of the judges in said Territory, upon the request or  
9 direction of the executive of said Territory, to proceed to the  
10 district of the absent or disabled judge and to hold the courts  
11 therein, and to do and perform such official acts as might be  
12 performed by the absent or disabled judge.

1       SEC. 5. *And be it further enacted,* That the probate  
2 judges shall be appointed by the governor, and their term of  
3 office shall be four years, and in all cases a party to any  
4 suit or proceeding, before a justice of the peace or the pro-  
5 bate court, feeling himself aggrieved by the judgment or  
6 decision of the justice of the peace, or by the judgment or  
7 decision of the probate court, may appeal from such judg-  
8 ment or decision to the district court of the district in which  
9 the proceedings before the justice or probate court are had.  
10 And in all cases of appeal from one court to another where  
11 a bond or other security is now required to be given by the

12 party appealing, it shall not be lawful to demand or exact of  
13 such party the payment of costs adjudged or taxed against  
14 him until the appeal shall be finally disposed of by the ap-  
15 pellate court.

1       SEC. 6. *And be it further enacted*, That the supreme  
2 court of said Territory may make rules and regulations as to  
3 the mode and manner of taking and perfecting appeals from  
4 one court to another in said Territory, so that the just rights  
5 of the parties may be secured and preserved.

1       SEC. 7. *And be it further enacted*, That property of no  
2 person, corporation, or association shall be exempt from taxa-  
3 tion, and all assessments shall be equal according to the cash  
4 value of the property: *Provided*, That the real estate of any  
5 religious society, corporation, or association, to an amount not  
6 exceeding twenty thousand dollars, and all lots or parcels of  
7 ground, used exclusively as burial places or depositories of  
8 the dead, may be exempted from taxation; but this exemp-  
9 tion shall be applied equally and without discrimination to  
10 every kind and description of sects and denominations of  
11 worshipers, and not otherwise.

1       SEC. 8. *And be it further enacted*, That in all suits or  
2 proceedings at law or in equity, wherein the United States are  
3 neither a party nor interested, the fees of the officers of the  
4 court may be taxed against and collected of the proper

5 parties under the direction of the court, and the collection  
6 thereof enforced by execution or attachment.

1       SEC. 9. *And be it further enacted*, That there shall be  
2 in the militia of said Territory no officers of higher rank or  
3 grade than that of major general; and all officers, military and  
4 civil, except constables elected or appointed under the laws of  
5 the Territory, shall be selected, appointed, and commissioned  
6 by the governor; and every person who shall act or attempt  
7 to act as an officer, either civil or military, without being first  
8 commissioned by the governor, and qualified by taking the  
9 proper oath, shall be deemed guilty of a misdemeanor, and,  
10 upon conviction thereof, shall be subject to a fine not exceed-  
11 ing one thousand dollars, and imprisonment in the peniten-  
12 tiary not exceeding one year.

1       SEC. 10. *And be it further enacted*, That the militia of  
2 said Territory shall be organized and disciplined in such man-  
3 ner and at such times as the governor of said Territory shall  
4 direct, and all the officers thereof shall be appointed and  
5 commissioned by the governor. As commander-in-chief the  
6 governor shall make rules and regulations for the enrolling  
7 and mustering of the militia, and he shall yearly, between  
8 the first and last days of October, report to the Secretary of  
9 War the number of men enrolled and their condition, the  
10 state of discipline, and the number and description of arms

11 belonging to each company, division, or organized body.

12 Aliens shall not be enrolled and mustered into the militia.

1       SEC. 11. *And be it further enacted*, That marriages in  
2 said Territory may be solemnized only by justices of the su-  
3 preme court, or by justices of the peace duly appointed  
4 and qualified in their proper townships or precincts, or by any  
5 priest or minister of the gospel regularly ordained and settled  
6 or established as such in said Territory, or by any bishop or  
7 elder in the so-called Mormon church, between parties com-  
8 petent to enter into the marriage contract. And the person  
9 solemnizing such marriage shall sign and deliver to the hus-  
10 band and the wife a certificate thereof, wherein shall be set  
11 forth the names, the ages, and places of residence of the parties,  
12 and the place and date of such solemnization, together  
13 with the names of witnesses, not less than two, present at  
14 such solemnization; which certificate may be recorded in the  
15 office of the proper register of the county, and the register  
16 shall be entitled to the same rate of fees for recording such  
17 certificates as is allowed for recording deeds of land; and  
18 such certificates, or a certified copy of the record, shall be  
19 evidence in any court of the facts therein set forth, as above  
20 required. All such registers shall henceforth be appointed by  
21 the governor of said territory, and be subject to be removed  
22 from office by him. Marriage, so far as its validity in law is  
23 concerned in said Territory, is hereby declared a civil con-

24 tract, to which the consent of parties, capable in law of con-  
 25 tracting, is essential. No man, a resident of said Territory,  
 26 shall marry his mother, his grandmother, daughter, grand-  
 27 daughter, step-mother, grandfather's wife, son's wife, grand-  
 28 son's wife, wife's mother, wife's grandmother, wife's daughter,  
 29 wife's granddaughter, nor his sister, his half-sister, brother's  
 30 daughter, sister's daughter, father's sister, or mother's sister.  
 31 No woman shall marry her father, grandfather, son, grand-  
 32 son, step-father, grandmother's husband, daughter's husband,  
 33 granddaughter's husband, husband's father, husband's grand-  
 34 father, husband's son, husband's grandson, nor her brother  
 35 half-brother, brother's son, sister's son, father's brother, or  
 36 mother's brother. No marriage shall be contracted whilst  
 37 either of the parties has a former wife or husband living in  
 38 the United States or elsewhere, unless the marriage with such  
 39 former wife or husband shall have been dissolved. All per-  
 40 sons being within the degrees of consanguinity within which  
 41 marriages are herein prohibited to residents of said Territory,  
 42 and declared to be incestuous and void, who shall intermarry  
 43 with each other, or who shall commit adultery or fornication  
 44 with each other, shall be punished by imprisonment at hard  
 45 labor in the penitentiary of the Territory not more than fifteen  
 46 years nor less than six months..

1        SEC. 12. *And be it further enacted,* That if any officer  
 2 herein authorized to solemnize marriage shall knowingly and



3 wilfully solemnize a marriage between parties either of whom  
4 is disqualified to enter into the marriage contract, he shall be  
5 deemed guilty of a misdemeanor, and upon conviction thereof  
6 before a court having competent jurisdiction, he shall pay a  
7 fine of not less than one hundred dollars nor more than five  
8 hundred dollars, and stand committed until the fine shall be  
9 paid. And if any person shall presume to solemnize a mar-  
10 riage in said Territory who is not by this act authorized so to  
11 do, he shall be deemed guilty of a misdemeanor, and upon  
12 conviction thereof before any court of competent jurisdiction,  
13 shall be punished by a fine not exceeding five hundred nor  
14 less than one hundred dollars, or by imprisonment in the pen-  
15 itentiary not exceeding six months nor less than one month,  
16 or by both such fine and imprisonment, at the discretion of  
17 the court.

1       SEC. 13. *And be it further enacted,* That if any man  
2 in said Territory of Utah shall claim and pretend to have the  
3 right to the society or the services of any woman not lawfully  
4 married to him, by reason of her having been sealed, devoted,  
5 or consecrated to him by any ceremony, rite, consecration,  
6 sacrament, form, order, decree, sentence, vote, or direction of  
7 the so-called Mormon church, or of any prophet, president,  
8 bishop, priest, or other officer or functionary of said church,  
9 or of any member thereof, whether with or without the con-  
10 sent of such woman, and shall cohabit with such woman, he

11 shall be deemed guilty of a crime, and shall, upon conviction  
12 thereof before any court of competent jurisdiction be punished  
13 by a fine of not more than ten thousand nor less than five  
14 hundred dollars, or by imprisonment at hard labor in the  
15 penitentiary of said Territory not more than five years nor  
16 less than three months, or by both such fine and imprison-  
17 ment, at the discretion of the court; and in all such cases  
18 such woman shall be deemed a competent witness on the trial  
19 of the offender.

1       SEC. 14. *And be it further enacted,* That it shall be  
2 lawful for any woman in said Territory, claimed as  
3 such spiritual wife of any man, but not married to him  
4 according to law, to sue for and recover from him compensa-  
5 tion for her labor and services while such his spiritual wife,  
6 in an action of assumpsit, without any deduction under pre-  
7 tence of support and maintainance of her by him during the  
8 period of such spiritual marriage, and also to sue for and  
9 recover any real estate, money, or other personal property,  
10 given, granted, or conveyed by her since the passage of the  
11 act of eighteen hundred and sixty-two, entitled "An act to  
12 punish and prevent the practice of polygamy in the Territo-  
13 ries of the United States and other places, and disapproving  
14 and annulling certain acts of the legislative assembly of the  
15 Territory of Utah," to any person or body politic as a volun-  
16 tary gift, donation, or contribution to said pretended Mormon



17 church, or for its benefit, directly or indirectly; and any  
18 woman in said Territory not lawfully married, but who at  
19 any time has been in the relation of such spiritual marriage  
20 above mentioned, shall in all courts and places be deemed a  
21 femme sole.

1       SEC. 15. *And be it further enacted,* That every person,  
2 male or female, who shall knowingly and willingly aid and  
3 assist in, or be present at, the ceremony or rite of Mormonism  
4 known as such sealing or spiritual marriage, with intent to  
5 countenance, encourage, and give effect to the same, shall be  
6 deemed guilty of a crime, and, on conviction thereof before a  
7 court of competent jurisdiction, shall be punished as last afore-  
8 said; and the person or persons celebrating or solemnizing  
9 such rite, or performing such ceremony, shall be punished as  
10 last aforesaid, and by a fine of at least one thousand dollars  
11 each, and imprisonment at hard labor in such penitentiary for  
12 at least two years. And if any person shall publicly or  
13 privately counsel, advise, or persuade any man or woman to  
14 commit the crime of polygamy, made punishable by the act  
15 of Congress of eighteen hundred and sixty-two, such person  
16 shall be deemed guilty of a misdemeanor, and upon conviction  
17 thereof shall be fined in any sum not exceeding five hundred  
18 dollars, or imprisoned at the discretion of the court for a term  
19 not exceeding twelve months. And it shall be the duty of

20 the district judges of said Territory, at the commencement of  
21 each term of the court sitting for criminal business, to give in  
22 special charge to the grand jury so much of this act as relates  
23 to polygamy and marriage.

1       SEC. 16. *And be it further enacted,* That it shall not  
2 be lawful for the Mormon church, so called, or of any of its  
3 officers or members, as such, to grant divorces or solemnize  
4 marriages, except as provided in section eleven of this act.

1       SEC. 17. *And be it further enacted,* That no citizen of  
2 the United States, who is living in the practice of polygamy,  
3 or who believes in its rightfulness, shall be competent to serve  
4 as a grand or petit juror in criminal cases arising under the  
5 act of eighteen hundred and sixty-two, entitled "An act to  
6 punish and prevent the practice of polygamy in the Territories  
7 of the United States and other places, and disapproving and  
8 annulling certain acts of the legislative assembly of the Terri-  
9 tory of Utah," or in criminal cases arising under this act touch-  
10 ing the solemnization of marriages, sealing or spiritual marriage,  
11 counseling or advising to commit the crime of polygamy, and  
12 being present at the ceremony of sealing herein mentioned.  
13 And in such cases it shall be the duty of the United States  
14 district attorney for the Territory, or any attorney act-  
15 ing in his stead, to ascertain by inquiry or otherwise, whether  
16 any of the grand or petit jurors are polygamists, or believers  
17 in the rightfulness thereof, and if any such are found, it shall

18 be the duty of the judge holding the court forthwith to dis-  
 19 charge such juror or jurors from hearing, trying, or determin-  
 20 ing such case or cases; and said attorney shall have the unre-  
 21 stricted right of challenge for this or other cause, both in the  
 22 case of the grand and petit jury.

1       SEC. 18. *And be it further enacted*, That the following  
 2 entitled ordinances and acts, viz: An ordinance to control  
 3 the waters of the Twin Springs and Rock Spring, in Tooele  
 4 Valley and County, for mills and irrigating purposes, approved  
 5 December nine, eighteen hundred and fifty; An ordinance con-  
 6 cerning City Creek and Canyon, approved December nine eigh-  
 7 teen hundred and fifty; An ordinance granting the waters of  
 8 North Mill Creek Canyon, and the waters of the next canyon  
 9 north, to Heber C. Kimball, approved January nine, eighteen  
 10 hundred and fifty-one; An ordinance in relation to the timber  
 11 in the mountains west of Jordan, approved January nine,  
 12 eighteen hundred and fifty-one; An ordinance in relation to  
 13 the timbers in the canyons and mountains leading into Tooele  
 14 Valley and the canyons between Salt Lake Valley and Tooele.  
 15 approved January nine, eighteen hundred and fifty-one:  
 16 An ordinance pertaining to North Cottonwood Canyon, ap-  
 17 proved January thirteen, eighteen hundred and fifty-one; An  
 18 act granting Heber C. Kimball, Jedediah M. Grant, Samuel  
 19 Snyder, and their associates, the right of ground for herding,  
 20 approved January nineteen, eighteen hundred and fifty-five;

21 An act granting unto Miles Weaver and Franklin Weaver a  
 22 herd ground in Utah County, approved January nineteen,  
 23 eighteen hundred and fifty-five; An act granting unto Orson  
 24 Pratt, Ormus E. Bates, Edward D. Wolley, Lewis E. Riter,  
 25 Vincent Shurtliffe, and Enoch Reese a portion of Lone Rock  
 26 Valley for a herd ground and other purposes, approved Jan-  
 27 uary six, eighteen hundred and fifty-six; An act granting a  
 28 ranch and herd grounds unto Brigham Young and Thomas  
 29 Rhoades, approved December eighteen, eighteen hundred and  
 30 fifty-five; An act granting unto Brigham Young, trustee in  
 31 trust for the Church of Jesus Christ of Latter-day Saints,  
 32 Cache Valley, for herding and other purposes, approved  
 33 December eighteen, eighteen hundred and fifty-five: An act  
 34 granting unto James G. Browning, Erastus Bingham, senior,  
 35 James Brown, senior, Thomas Dunn, and Lorin Farr,  
 36 Ogden Valley for a herd ground, approved December  
 37 twenty-seven, eighteen hundred and fifty-five; An act  
 38 granting unto Phineas H. Young, Albert P. Rockwood  
 39 and Jesse Hobson, Fremont Island in Great Salt Lake, for  
 40 herding and other purposes, approved December twenty-  
 41 seven, eighteen hundred and fifty-five; An act granting unto  
 42 Brigham Young, Wilford Woodruff, Luke Johnson, James  
 43 W. Cumming, Samuel Benion, William A. Hickman, Jesse  
 44 C. Little, and Claudius V. Spencer, Rock Valley for a herd  
 45 ground and other purposes, approved December thirty-one,

46 eighteen hundred and fifty-five; An act granting to Elias  
47 Smith, Joseph Cain, Samuel W. Richards, and those whom  
48 they may associate with them, the right of a herd ground  
49 in Juab County, approved January two, eighteen hundred  
50 and fifty-six; An act granting Benjamin F. Johnson and  
51 Isaac Morley the right of controlling the district of Santaquin,  
52 heretofore known as Summit Creek, with the natural facilities  
53 establishing a herd ground, and so forth, approved Decem-  
54 ber thirty-one, eighteen hundred and fifty-five; An act  
55 granting unto Thomas J. Thurston, Jedediah M. Grant, and  
56 George W. Thurston, the south end of Weber Valley for a  
57 herd ground and for other purposes, approved January two,  
58 eighteen hundred and fifty-six; An act granting unto Frank-  
59 lin D. Richards, Silas Richards, Isaac Morley, James C.  
60 Snow, Aaron Johnson, Lorenzo H. Hatch, and Leonard E.  
61 Harrington, a herd ground in Cedar and Juab Counties, ap-  
62 proved January five, eighteen hundred and fifty-six; An act  
63 granting unto Ezra T. Benson, William H. Hooper, Thomas  
64 S. Williams, Gilbert Webb, and David Caudland, a herd  
65 ground in Lone Rock Valley, approved January five, eighteen  
66 hundred and fifty-six; An act granting unto John Stoker,  
67 William Smith, John W. Hess, and Abiah Wadsworth, the  
68 north end of Weber Valley for a herd ground and other pur-  
69 poses, approved January eight, eighteen hundred and fifty-six;  
70 An act granting unto Jacob G. Bigler, Charles H. Bryan



71 George W. Bradley, Israel Hoyt, and William Cozier, a  
72 herd ground, in Juab Valley, approved January twelve,  
73 eighteen hundred and fifty-six; An act granting a herd  
74 ground unto Heber C. Kimball and John D. Parker, ap-  
75 proved January twelve, eighteen hundred and fifty-six; An  
76 act granting a herd ground to Lorenzo Snow, Franklin D.  
77 Richards, Phineas H. Young, Daniel Spencer, Eli H.  
78 Pierce, Charles W. Hubbard, and Jonathan Browning, ap-  
79 proved January twelve, eighteen hundred and fifty-six; An  
80 act granting unto William W. Phelps and Hugh McKinney  
81 a herd ground, approved January twelve, eighteen hundred  
82 and fifty-six; An act granting unto Frederick Kesler a herd  
83 ground, approved January seventeen, eighteen hundred and  
84 fifty-six; An act granting unto the San Pete Coal Company  
85 a herd ground in San Pete County, approved January seven-  
86 teen, eighteen hundred and fifty-six; An act granting unto  
87 Heber C. Kimball and William McBride a herd ground,  
88 approved January three, eighteen hundred and fifty-seven;  
89 An act granting unto Seth M. Blair, John Brown, Preston  
90 Thomas, and Alonzo S. Blair, a herd ground in Rush Valley,  
91 approved January fourteen, eighteen hundred and fifty-  
92 seven; An act granting unto Lorenzo D. Young a herd  
93 ground in Great Salt Lake County, Utah Territory, ap-  
94 proved January fourteen, eighteen hundred and fifty-seven;  
95 An act granting unto Rufus C. Allen, Lorenzo W. Roundy,



96 Amos Thornton, and Richard Robison, a herd ground in  
 97 Iron and Washington Counties, Utah Territory, approved  
 98 January fourteen, eighteen hundred and fifty-seven; An  
 99 act granting unto Lewis Robinson the right of certain lands  
 100 for a herd ground, farming, and other purposes, in Green  
 101 River County, approved January fourteen, eighteen hundred  
 102 and fifty-seven; An act granting unto Warren S. Snow,  
 103 George Snow, Jeremiah Hatch, Daniel B. Funk, and John  
 104 Lowrey, junior, a herd ground in San Pete County, approved  
 105 January fourteen, eighteen hundred and fifty-seven; An  
 106 act granting a herd ground and making an appropriation  
 107 for military purposes, approved January fourteen, eighteen  
 108 hundred and fifty-seven; An act granting a ranch and herd  
 109 ground unto James C. Snow, James Adams, Charles Carrol,  
 110 George W. Bean, Edson Barney, William A. Follet, and  
 111 Philander Colton, approved January fifteen, eighteen hun-  
 112 dred and fifty-seven; and all other laws and parts of laws  
 113 of Utah Territory which in any way interfere with the pri-  
 114 mary disposal of the soil by the United States, are hereby  
 115 disapproved and annulled.

1        SEC. 19. *And be it further enacted,* That all commis-  
 2 sions and appointments, both civil and military, heretofore  
 3 made or issued, or which may be made or issued before the  
 4 first day of July, eighteen hundred and seventy, shall cease

5 and determine on that day, and shall be of no effect or valid-  
6 ity thereafter.

1       SEC. 20. *And be it further enacted*, That none but male  
2 citizens of the United States, over twenty-one years of age,  
3 residing in the precinct or election district, and not disqualified  
4 by the conviction of some crime, shall be competent voters.

1       SEC. 21. *And be it further enacted*, That if any per-  
2 son not qualified to vote, shall vote, or offer to vote, at any  
3 election, or if any qualified voter shall cast, or offer to cast, at  
4 any election more than one vote for the same officer or officers,  
5 he shall be deemed guilty of a misdemeanor, and shall, upon  
6 conviction thereof before any court having jurisdiction, be  
7 punished by fine not exceeding five hundred dollars, or by im-  
8 prisonment in the penitentiary not exceeding one year, or by  
9 both such fine and imprisonment, at the discretion of the  
10 court.

1       SEC. 22. *And be it further enacted*, That no person un-  
2 der the age of twenty-one years shall be capable of holding  
3 or exercising any civil office in said Territory.

1       SEC. 23. *And be it further enacted*, That in prosecu-  
2 tions for the crime of polygamy, proof of cohabitation by the  
3 accused as husband or wife, or the acknowledgments of the  
4 party accused of the existence of the marital relation of hus-  
5 band or wife, shall be sufficient to sustain the prosecution.

1       SEC. 24. *And be it further enacted*, That the probate

2 courts in their respective counties in said Territory are  
 3 hereby authorized to hear, try, and determine civil causes  
 4 wherein the damage or debt claimed does not exceed three  
 5 hundred dollars. And said courts are hereby authorized to  
 6 try criminal cases arising under the laws of the Territory,  
 7 where by law the person convicted cannot be punished by a  
 8 fine exceeding one hundred dollars nor by imprisonment ex-  
 9 ceeding six months; but in cases where the person convicted  
 10 may be punished by a fine of more than one hundred dollars  
 11 or by imprisonment for more than six months, or by both fine  
 12 and imprisonment, and where the person convicted may be  
 13 punished by death, and in matters of naturalization, said  
 14 courts shall have no jurisdiction or authority.

1       SEC. 25. *And be it further enacted,* That the judges of  
 2 the supreme court of said Territory, or a majority of them,  
 3 may fix, and when they deem it expedient may alter, the  
 4 time and place of holding the supreme court, and also the  
 5 times and places of holding district courts for the transaction  
 6 of business arising under the laws of the Territory, and the  
 7 number of terms which may be held in each district annually;  
 8 and they may assign the judges to the several districts.

1       SEC. 26. *And be it further enacted,* That it shall be the  
 2 duty of the United States district attorney for the Territory,  
 3 personally or by his assistant, to attend all the district courts

4 which may be held in said Territory, and to perform the  
5 duties of prosecuting attorney; and that the district attorney  
6 and United States marshal shall each receive for his services  
7 in criminal cases, or proceedings arising under the laws of  
8 the Territory, the same fees or compensation as are allowed  
9 for like services in criminal cases or proceedings arising unde  
10 the laws of the United States; and such fees or compensation  
11 being taxed by the court or judge before whom the services  
12 were rendered, or by the supreme court of the Territory,  
13 shall be paid to the district attorney and marshal, respectively,  
14 from the territorial treasury, annually on the third Monday in  
15 December.

1       SEC. 27. *And be it further enacted*, That for the pur-  
2 pose of holding district courts for the transaction of business  
3 arising under the laws of the Territory it shall be lawful for  
4 the United States marshal, or his deputies, to take possession  
5 of any court-house, council-house, town-house, or other public  
6 building, and to furnish the same in a suitable manner for  
7 holding the court, at the expense of the Territory, unless the  
8 same shall be previously furnished by the territorial authori-  
9 ties, and to hold and occupy the same so long as shall be  
10 necessary for holding the court.

1       SEC. 28. *And be it further enacted*, That in all cases  
2 or proceedings where imprisonment may be ordered, if there  
3 shall be no safe and suitable jail or other prison in the dis-

4 trict, it shall be lawful for the court or judge to order the  
 5 person to be imprisoned in any jail or prison in the Territory;  
 6 and it shall be the duty of the marshal, or other officer, to  
 7 execute such order.

1       SEC. 29. *And be it further enacted*, That, if it becomes  
 2 necessary, in the due execution of any order of a district  
 3 court, or a judge thereof, it shall be lawful for the United  
 4 States marshal, or his deputies, to take possession of any jail  
 5 or prison in the Territory, and to occupy the same so far and  
 6 so long as shall be necessary for the due execution of such  
 7 order.

1       SEC. 30. *And be it further enacted*, That it shall be the  
 2 duty of the governor of said Territory, so often as it shall  
 3 appear to him necessary, to inspect, or cause to be inspected,  
 4 the jails and other prisons in said Territory, and the manner  
 5 persons are held, treated, and employed therein, and the  
 6 governor shall make rules and regulations for the imprison-  
 7 ment and keeping of persons in the jails or other prisons;  
 8 and he is hereby empowered to remove the wardens and  
 9 keepers of all prisons and jails, or other officers connected  
 10 therewith, and to appoint others in their stead, so often as in  
 11 his opinion the public good shall require it.

1       SEC. 31. *And be it further enacted*, That all acts and  
 2 parts of acts of the United States inconsistent with the pro-  
 3 visions of this act are hereby repealed; and all acts and parts

4 of acts now passed or that may hereafter be passed by the  
5 governor and legislative assembly of said Territory of Utah,  
6 or by the so-called State of Deseret, inconsistent with the  
7 provisions of this act, are hereby declared null and void ; and  
8 it shall hereafter be unlawful and a misdemeanor for any per-  
9 sons in said Territory claiming or pretending to be members  
10 of the legislature of the said so-called State of Deseret, to as-  
11 semble together as such legislature, and for the purpose of  
12 transacting any business as such ; and no election shall be held  
13 or had for any member of said pretended legislature, or any  
14 officer under said so-called State government.