

H. R. 1089.

[H. Report No. 21.]

IN THE HOUSE OF REPRESENTATIVES.

FEBRUARY 3, 1870.

Read twice, ordered to be printed, and recommitted to the Committee on the Territories.

Mr. CULLOM, from the Committee on the Territories, reported the following bill :

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the United States marshal of Utah Territory may
4 appoint a deputy in each of the judicial districts of said
5 Territory: *Provided,* That before any such deputy shall be
6 authorized to enter upon the discharge of his duties, his
7 appointment must be approved by the judge of the district
8 court of the district for which said deputy is appointed; and
9 said deputy must take and subscribe the same oath prescribed
10 by law to be taken by the marshal, and give bond, with
11 good and sufficient sureties, to said marshal in the penal
12 sum of ten thousand dollars, conditioned for the faithful

13 discharge of his duties as such deputy. And said appoint-
14 ment, approval, oath, and bond shall be entered upon the
15 journals of said court.

1 SEC. 2. *And be it further enacted,* That it shall be the
2 duty of said marshal, in person or by his deputies, to attend
3 the district and supreme courts of said Territory, and serve
4 and execute all process, orders, judgments, or decrees issued,
5 rendered, or directed by said courts, or by any judge thereof.

1 SEC. 3. *And be it further enacted,* That the United
2 States district attorney of said Territory may also appoint an
3 assistant in each of the judicial districts of said Territory:
4 *Provided,* That before any such assistant shall enter upon
5 the discharge of his duties, his appointment must be ap-
6 proved by the presiding judge of the district court of the
7 district for which such appointment is made; and said assist-
8 ant must take and subscribe the same oath prescribed by law
9 to be taken by the district attorney. And said appointment,
10 approval, and oath shall be entered upon the journals of said
11 court.

1 SEC. 4. *And be it further enacted,* That it shall be the
2 duty of said district attorney, in person or by his assistants, to
3 attend all of the district courts of said Territory, and perform
4 the duties of prosecuting attorney in all criminal cases arising
5 in said courts.

1 SEC. 5. *And be it further enacted,* That only citizens

2 of the United States, over the age of twenty-one years,
3 shall be competent to serve as grand or petit jurors in said
4 Territory.

1 SEC. 6. *And be it further enacted,* That the grand jury
2 of said Territory shall consist of fifteen good and lawful men,
3 twelve of whom concurring may find and return a bill of in-
4 dictment.

1 SEC. 7. *And be it further enacted,* That at least twenty
2 days before the time of holding each regular term of the
3 district courts of said Territory, in their respective districts,
4 the United States marshal of said Territory, or one of his
5 deputies, shall, in connection with the clerk of the district
6 court for which a term is to be holden, select from the body
7 of the people of said district thirty-nine good and lawful
8 men having the necessary qualifications, to serve as jurors,
9 and make a list, in writing, of the names of the persons so
10 selected, and append thereto a certificate, stating that said
11 persons have by them been selected to act in the aforesaid
12 capacity, and setting forth the court, district, and term of
13 court for which they were selected, which certificate shall be
14 signed by the persons making such selection, and filed with
15 said clerk; whereupon said clerk shall forthwith issue a venire,
16 directed to said marshal, or his deputy, commanding him to sum-
17 mons the fifteen persons first named on said list, to be and
18 appear in said court on the first day of the term thereof (to

19 be named in said venire) to serve as grand jurors; also to
20 issue a like venire commanding said marshal, or his deputy,
21 to summon the remaining twenty-four persons on said list to be
22 and appear at said term to serve as petit jurors, and the per-
23 sons so selected and summoned shall constitute one full grand
24 and two full petit juries: *Provided*, That if all or any number
25 of the persons so selected and summoned shall fail to appear
26 shall be excused by the court, or shall be challenged, or if for
27 any other cause whatever it shall become necessary, the court,
28 both in the case of the grand and petit jury, may order the
29 panel to be filled by talesmen, summoned by the marshal or
30 his deputy from the body of the district or from the by-
31 standers.

1 SEC. 8. *And be it further enacted*, That if, at any spe-
2 cial or adjourned term of the district courts of said Territory,
3 it shall become necessary to have either a grand or petit jury,
4 or both, after the juries for the regular term have been dis-
5 charged from attendance, the presiding judge of the district
6 court requiring the attendance of such jury or juries may, in
7 his discretion, issue a special order requiring the marshal or
8 one of his deputies, and the clerk, to forthwith select and sum-
9 mon a jury or juries according to the foregoing provisions of
10 this act. And any judge of the district courts of the said
11 Territory of Utah is hereby authorized and empowered to
12 appoint at such times and places as he may deem expedient, as

13 many special terms of court in his district as in his opinion the
14 necessities of business may require, thirty days' notice to be
15 given of the time and place of holding such special term in
16 some newspaper in general circulation in said Territory.

1 SEC. 9. *And be it further enacted,* That the said first
2 judicial district shall embrace the counties of Millard, Sanpete,
3 Sevier, Piute, Beaver, Iron, Washington, Rio Virgin, and
4 Kane, and that the regular terms of the court thereof shall be
5 held at the city of Beaver, in said county of Beaver, com-
6 mencing on the first Monday of June in each year; that the
7 said second judicial district shall embrace the counties of
8 Tooele, Salt Lake, Utah, Wasatch, and Juab, and that the
9 regular terms thereof shall be held at Salt Lake City, com-
10 mencing on the first Mondays of February, May, and Septem-
11 be, in each year; that the third judicial district shall embrace
12 the counties of Davis, Morgan, Summit, Boxelder, Cache,
13 Weber, and Rich, and that the regular terms thereof shall
14 be held at Corrinne, in said county of Boxelder, and shall
15 commence on the first Mondays of January and June in each
16 year, but the time of commencing said regular terms of said
17 several courts may be changed by the governor, when it shall
18 appear to him that a different time would accommodate the
19 judge and the people of the said several districts better.

1 SEC. 10. *And be it further enacted,* That in criminal
2 cases both the prosecution and the accused shall have the

3 right and privilege to challenge, for cause the array and
4 polls, both of the grand and petit jury, and in all prosecutions
5 for bigamy, and the crimes specified in this act, no person
6 shall be competent to serve, either as grand or petit jurors,
7 who believes in, advocates, or practices bigamy, concubinage
8 or polygamy, and upon that fact appearing by examination on
9 voir dire or otherwise, such person shall not be permitted to serve
10 as a juror. And in all criminal trials each of the parties shall
11 have the right to challenge peremptorily six of the petit jurors.

1 SEC. 11. *And be it further enacted,* That in all prosecu-
2 tions for bigamy, concubinage, or adultery, the lawful wife of
3 the accused shall be a competent witness to prove both the
4 first and subsequent marriage or marriages of her husband,
5 but for no other purpose.

1 SEC. 12. *And be it further enacted,* That whereas marriage
2 in said Territory of Utah rests solely on the contract of the
3 parties, followed by cohabitation, there being no form, man-
4 ner, or ceremony prescribed by the laws of said Territory
5 for the solemnization of this important relation in society, or
6 requiring any recordation, certificate, or publication of the
7 same; that in all prosecutions for bigamy, concubinage, or
8 adultery, it shall not be necessary to prove either the first or
9 subsequent marriages, by the registration or certificate there-
10 of, or other recorded evidence, but the same may be proved
11 by such evidence as is admissible to prove a marriage in other

12 cases, and proof of cohabitation by the accused with more
13 than one woman as husband and wife, his declarations and
14 admissions that such women are his wives, his acts recogniz-
15 ing, acknowledging, introducing, treating, or deporting him-
16 self toward them as such, shall, unless rebutted, be sufficient
17 to sustain the prosecution.

1 SEC. 13. *And be it further enacted,* 'That any man in
2 said Territory, who shall after this act goes into effect, live or
3 cohabit with one woman or more, other than his lawful wife,
4 as his wife or wives, shall be adjudged guilty of the crime of
5 concubinage, and upon conviction thereof, shall be punished
6 by fine not exceeding one thousand dollars, and by imprison-
7 ment in the penitentiary at hard labor, not exceeding five
8 years, and in all prosecutions for the violation of this section
9 the alleged concubines of the accused shall be competent wit-
10 nesses to establish or disprove the charge: *Provided,* That no
11 statement made by any such witnesses shall be used against,
12 admitted, or allowed to effect them in any manner in any
13 case whatsoever, and an indictment charging said crime to
14 have been committed with more than one woman, will be
15 sustained by proof, showing the same to have been committed
16 with one only or more.

1 SEC. 14. *And be it further enacted,* That the statutes
2 of limitations shall not bar a prosecution for any of the crimes

3 specified in this act, nor for the crime of bigamy, concubinage,
4 or adultery, hereafter committed.

1 SEC. 15. *And be it further enacted,* That every person
2 who commits the crime of adultery shall be punished by im-
3 prisonment not exceeding five years, nor less than one year, or
4 by fine not exceeding one thousand dollars nor less than one
5 hundred dollars; or by both fine and imprisonment, at the
6 discretion of the court; and any violation of this section, the
7 thirteenth section of this act, and the act against bigamy,
8 entitled "An act to punish and prevent the practice of polyg-
9 amy in the Territories of the United States and other places,
10 and disapproving and annulling certain acts of the
11 legislative assembly of the Territory of Utah," ap-
12 proved July first, eighteen hundred and sixty-two, may be
13 charged in separate counts in the same indictment, which
14 indictment may conclude, generally, against the statutes in
15 such cases made and provided, and the thirty-first section
16 of an act of the legislative assembly of the Territory of Utah,
17 entitled "An act in relation to crimes and punishments,"
18 approved March sixth, eighteen hundred and fifty-two, be,
19 and the same is hereby, disapproved and annulled.

1 SEC. 16. *And be it further enacted,* That in all cases or
2 proceedings where imprisonment may be ordered, if there be
3 no jail or prison in which the person or persons to be im-
4 prisoned can with safety be kept, the court or judge may

5 order such person or persons confined in any military prison
6 or camp of the United States in said Territory; and the
7 officer or person in command of such prison or camp is hereby
8 authorized and required, on the order of the court or judge,
9 to receive and safely keep such person or persons until they
10 shall be lawfully discharged from custody.

1 SEC. 17. *And be it further enacted*, That, if the United
2 States marshal or any of his deputies shall be resisted or
3 threatened with resistance, in the execution of any writ,
4 order, process, judgment, or decree, of any court or judge of
5 said Territory, said marshal or either of his deputies may,
6 if in their judgment assistance is necessary, apply to the
7 commander, or person in charge, of any military camp or
8 post of the United States in said Territory, or to any one
9 having charge of troops of the United States therein, for a
10 posse to aid such officer; and upon such application being
11 made, the commander, or person in charge of such military
12 camp, post, or troops, is hereby authorized to detail a sufficient
13 number of men to enforce the writ or other process, whatever
14 it may be, which is being or is threatened to be resisted. And
15 said marshal, or either of his deputies, may make application
16 for such assistance when necessary to suppress any mob, riot,
17 or other disturbance of the peace.

1 SEC. 18. *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 necessary, to inspect, or cause to be inspected, the jails
4 and other prisons in said Territory, and the manner persons
5 are held, treated, and imprisoned therein. And the governor
6 shall make rules for the regulation and government of said
7 jails and prisons; and he is hereby empowered to remove the
8 wardens and keepers of all jails and prisons, or other officers
9 connected therewith, and appoint others in their stead, as often
10 as in his opinion the public good shall require.

1 SEC. 19. *And be it further enacted,* That no alien living
2 in or practicing bigamy, polygamy, or concubinage, shall be
3 admitted to citizenship of the United States; nor shall any
4 person living in or practicing bigamy, polygamy, or concubin-
5 age hold any office of trust or profit in said Territory, vote
6 at any election therein, or be entitled to the benefits of
7 the homestead or pre-emption laws of the United States, and
8 the district courts of said Territory are hereby authorized to
9 issue writs of quo warranto, on the information of the district
10 attorney or other person interested, to test the right of any
11 one discharging the duties of or claiming the right to any
12 office in said Territory; and the judges of elections are hereby
13 authorized to examine under oath all persons who may offer
14 to vote as to their qualifications and rights so to do, and all
15 persons appointed or elected to office in said Territory, before
16 entering upon the duties of such office, and before being
17 entitled to any salary or other emoluments thereof, shall

18 take and subscribe one of the following oaths or affirmations
19 to wit: "I, A. B., do solemnly swear (or affirm) that
20 I have never voluntarily borne arms against the United
21 States since I have been a citizen thereof; that I
22 have voluntarily given no aid, countenance, counsel, or
23 encouragement to persons engaged in armed hostility thereto;
24 that I have neither sought nor accepted nor attempted to
25 exercise the functions of any office whatever, under any
26 authority or pretended authority in hostility to the United
27 States; that I have not yielded a voluntary support to any
28 pretended government, authority, power, or constitution within
29 the United States hostile or inimical thereto; (or I do
30 solemnly swear (or affirm) that I have been relieved by an
31 act of Congress, as provided for by the third section of the
32 fourteenth article of the amendments to the Constitution of
33 the United States) that I am not living in or
34 practicing bigamy, polygamy, or concubinage, and I will
35 not hereafter live in or practice the same. And I do
36 further swear (or affirm) that to the best of my knowledge
37 and ability I will support and defend the Constitution of the
38 United States against all enemies, foreign and domestic; that
39 I will bear true faith and allegiance to the same; that I will
40 obey all of the laws of the United States, and will not counsel,
41 advise, or encourage any other person to disobey or violate the
42 same; that I take this obligation freely, without any mental

43 reservation or purpose of evasion, and that I will well and
 44 faithfully discharge the duties of the office on which I am
 45 about to enter: So help me God;" and said oath when taken
 46 and subscribed shall be certified by the officer before whom
 47 the same was taken and subscribed, and said oath so certified
 48 shall forthwith be forwarded to the secretary of said Territory,
 49 who shall place the same on file in his office.

1 SEC. 20. *And be it further enacted,* That, in the absence,
 2 or in case of sickness or disability, of any of the judges of said
 3 Territory, or for any cause whatever which renders it neces-
 4 sary, it shall be competent for either of the judges to hold
 5 court in any of the judicial districts of said Territory, and it is
 6 hereby made the duty of said judges, upon the request or di-
 7 rection of the executive of said Territory, in writing, setting
 8 forth the reason and necessity of such request or direction, to
 9 proceed to the district designated and to hold the terms of
 10 court therein until such necessity shall cease.

1 SEC. 21. *And be it further enacted,* That the probate
 2 judges, justices of the peace, judges of all elections, notaries
 3 public, and all sheriffs in said Territory shall be appointed by
 4 the governor, be subject to removal by him, and shall hold
 5 their offices for the term prescribed by law, unless sooner re-
 6 moved, or their successors shall before then be appointed.

1 SEC. 22. *And be it further enacted,* That an appeal by
 2 any party aggrieved shall be allowed from all final decisions,

3 orders, judgments, or decrees of all inferior courts in said Ter-
4 ritory to the district court of the district in which the pro-
5 ceedings before such courts are had, and in correction of the
6 proceedings of such inferior courts of said Territory, and to
7 prevent and correct abuses by the same, the district courts of
8 said Territory are hereby authorized to issue writs of error,
9 certiorari, mandamus, prohibition, and quo warranto, and in
10 all cases of appeal from one court to another, where a bond
11 or other security is now required to be given by the
12 party appealing, it shall not be lawful to demand or exact
13 of such party the payment of costs adjudged or taxed
14 against him, until the appeal shall be finally disposed of by
15 the appellate court, and the supreme court of said Territory
16 may make rules and regulations as to the mode and manner
17 of taking and perfecting appeals from one court to another in
18 said Territory, and the security, if any, to be given in such
19 appeals, so that the just rights of the parties may be secured
20 and preserved.

1 SEC. 23. *And be it further enacted,* That marriages in
2 said Territory may be solemnized only by justices of the
3 supreme court, by justices of the peace duly appointed and
4 qualified, and by any priest or minister of the gospel regularly
5 ordained and settled or established as such in said Territory,
6 between parties competent to enter into the marriage con-
7 tract. Marriage in said Territory is hereby declared to be

8 a civil contract, to which the consent of parties, capable in
9 law of contracting, is essential. No man, a resident of said
10 Territory, shall marry his mother, his grandmother, daughter,
11 granddaughter, stepmother, grandfather's wife, son's wife,
12 grandson's wife, wife's mother, wife's grandmother, wife's
13 daughter, wife's granddaughter, nor his sister, his half-sister,
14 brother's daughter, father's sister, or mother's sister. No wo-
15 man shall marry her father, grandfather, son, grandson, step-
16 father, grandmother's husband, daughter's husband, grand-
17 daughter's husband, husband's father, husband's grandfather,
18 husband's son, husband's grandson, nor her brother, half-
19 brother, brother's son, sister's son, father's brother, or mother's
20 brother. No marriage shall be contracted while either of the
21 parties has a former wife or husband living in the United
22 States or elsewhere, unless the marriage with such former
23 wife or husband shall have been legally dissolved. All per-
24 sons within the degrees of consanguinity within which mar-
25 riages are herein prohibited to residents of said Territory, and
26 hereby declared to be incestuous and void, who shall
27 intermarry with each other, or who shall commit adultery or
28 fornication with each other, shall be punished by imprison-
29 ment at hard labor in the penitentiary of the Territory not
30 more than twenty years, and be fined not more than one
31 thousand dollars.

1 *SEC. 24. And be it further enacted, That in all cases*

2 of election by ballot it shall be unlawful for any person to
3 put any number, figure, or device upon such ballot, whereby
4 any person may be enabled to ascertain by whom the ballot
5 was given; and any violation, or attempt to violate this pro-
6 vision shall be deemed and taken to be a crime, and upon
7 conviction thereof the person so offending may be punished
8 by fine not exceeding five hundred dollars or by imprison-
9 ment in the penitentiary not exceeding one year, or by
10 both fine and imprisonment at the discretion of the court.
11 And at all elections, none but male citizens of the United
12 States over twenty-one years of age, residing in the pre-
13 cinct or election district, and not disqualified by conviction
14 of crime by any of the provisions of this act, or otherwise,
15 shall be competent voters.

1 *SEC. 25. And be it further enacted,* That the probate
2 courts in their respective counties in said Territory are hereby
3 authorized to hear, try, and determine civil causes wherein the
4 debt or damages claimed does not exceed five hundred dol-
5 lars, and in criminal matters may exercise jurisdiction as
6 committing magistrates, and the twenty-ninth section of an
7 act of the territorial legislature of Utah conferring general
8 and unlimited jurisdiction on the probate courts, both in civil
9 and criminal cases, entitled "An act in relation to the judici-
10 ary," approved January nineteenth, eighteen hundred and
11 fifty-two; also the second section of an act entitled "An act

12 for the regulation of attorneys," approved February eigh-
 13 teenth, eighteen hundred and fifty-two; and also an act en-
 14 titled "An act containing provisions applicable to the laws of
 15 the Territory of Utah," approved January fourteenth, eigh-
 16 teen hundred and fifty-four, be, and the same are hereby, dis-
 17 approved and repealed.

1 SEC. 26. *And be it further enacted,* That in all cases in
 2 which the marshal of said Territory is a party to the suit or
 3 in any way interested or otherwise disqualified to act, the
 4 court shall appoint some one to act as marshal therein.

1 SEC. 27. *And be it further enacted,* That the district
 2 courts of said Territory shall have exclusive original jurisdic-
 3 tion in all suits for divorces or alimony.

1 SEC. 28. *And be it further enacted,* That all laws and
 2 parts of laws of Utah Territory, which in any way interfere
 3 with the primary disposal of the soil, or the possession there-
 4 of, of the United States, are hereby disapproved and an-
 5 nulled.

1 SEC. 29. *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 offi-
 5 cers, he shall be deemed guilty of a misdemeanor, and shall,
 6 upon conviction thereof before any court having jurisdiction,
 7 be punished by fine not exceeding five hundred dollars, or by

8 imprisonment in the penitentiary not exceeding one year, or
9 by both such fine and imprisonment, at the discretion of the
10 court.

1 SEC. 30. *And be it further enacted,* That upon com-
2 plaint made in writing, upon the oath of some person of full
3 age, to a district or probate court of the said Territory, or to
4 a judge of either of said courts, that any person has been
5 convicted before a court of said Territory, having jurisdiction
6 thereof, of the crime of bigamy, polygamy, or of any adul-
7 terous or incestuous marriage, connection, or relationship, for-
8 bidden by this act, or any other law of the United States;
9 and that such convicted person has a wife or children, whether
10 such children be legitimate or not, or woman or women, or
11 concubine or concubines, with whom he has lived or cohabited,
12 or claims as wife or wives, dependent in whole or in part
13 upon said person so convicted, for maintenance or support;
14 and that such convicted person has property, real or personal,
15 or both, giving the value thereof as near as the affiant can
16 estimate, and where the same is situated. Said court or
17 judge upon the reception of said complaint, shall, by order,
18 refer the matter contained in said complaint to some
19 competent officer of either of said courts, or some
20 competent attorney of said courts, duly licensed to
21 practice therein, to take proof of the matter set forth in the
22 said complaint, and report to the judge or court making the

23 order the facts found by said referee. The said referee be-
24 fore entering upon the duties thus assigned him shall make,
25 subscribe, and swear to, an oath in writing that he will in all
26 things faithfully discharge his duty and make true report as
27 said referee, which oath shall be appended to his report to
28 the court or judge. That said referee shall cause notice
29 in writing of not less than ten or more than twenty days
30 to be served upon the person or persons having possession
31 of the property, real or personal, of the person so con-
32 victed (if any person or persons has such custody or pos-
33 session) prior to the day of the reference, fixing the time
34 and place of such reference, and stating the object thereof.
35 That instead of referring the matter as herein directed, the
36 court or judge may hear the matter and give the notice
37 aforesaid. That before the court, or judge, or referee, as
38 the notice shall direct, the party complaining may appear in
39 person or by attorney and give proof to establish the fact
40 set forth in the complaint, and the person convicted may ap-
41 pear by attorney or said referee, or the person in possession
42 of the property aforesaid, upon whom said notice is served,
43 can also appear in person or by attorney, and contest and
44 give evidence tending to disprove the facts set forth in the
45 complaint, and the wives, concubines, or persons with whom
46 the person convicted cohabited as aforesaid, shall be compe-
47 tent witnesses to establish the matter set forth in the com-

48 plaint, and it shall not be necessary to prove any marriage
49 of the person convicted, by registration, certificate, or other
50 recorded evidence, and marriage can be proved in the same
51 manner as is permitted by the thirteenth section of this act
52 in prosecutions for bigamy. That if upon such hearing by
53 the court or judge, or upon the report of a referee, the court
54 or judge shall find and adjudge that the facts stated in the
55 said complaint are true, the court or judge shall have power,
56 and is directed from time to time, to order the sale of so much of
57 the personal property aforesaid as shall be needed for the support
58 and maintenance of the wife, concubines, and children aforesaid,
59 until such time when such persons can procure labor or means
60 to support themselves, and when the personal property is
61 exhausted; or in default thereof, the said court or judge shall
62 in like manner order the sale of the real estate. That such
63 sale shall be by public auction, in the daytime, and upon
64 due notice; in case of personal estate, ten days, and of real
65 estate, thirty days. That the chief justice of the said Terri-
66 tory shall make and publish general rules providing for the
67 sale of property, and the notice of such sale not inconsistent
68 with this act, as may be just and necessary, to secure a fair
69 sale of the said property, and to prevent fraud and oppres-
70 sion. That when the court or judge shall order a sale as
71 hereinbefore provided, he shall also, by order, appoint some
72 competent and trusty person receiver of the property and ef-

73 facts of the person convicted, or so much thereof as he may
74 deem necessary. That said receiver upon giving such secu-
75 rity for the faithful discharge of his trust as the said chief
76 justice shall by general rules also prescribe in such cases; shall
77 take possession of the property embraced in said order, and sell
78 the same as hereinbefore directed, or make such disposition of
79 the same as the court or judge before whom the proceedings
80 were instituted, and not inconsistent with this act, shall direct.
81 That whenever it shall appear to either of said courts, or a
82 judge thereof, upon complaint on oath by a person of full age
83 as aforesaid, that any person has fled from the Territory, or
84 disappeared from his place of residence, and cannot be found
85 after due search and diligence, and such person has left a
86 wife, or concubine, or person with whom he cohabited
87 or claimed as wife, or child or children, either legitimate or
88 illegitimate, dependent upon him for maintenance and sup-
89 port, and that he left, or has real or personal property, or both,
90 the same proceedings shall be had in all respects to sell and
91 dispose of the property of such person, to take proof of the
92 facts, and in all other matters connected therewith as in the
93 case of a person convicted as aforesaid. If at the time any
94 complaint is filed, as provided in this section, or any time
95 thereafter, it shall appear to the court or judge that there is
96 danger of the real or personal property sought to be reached
97 by proceedings under this section will be lost, removed,

98 secreted, sold, assigned, or otherwise disposed of, the said
99 court or judge shall issue an attachment, directed to the
100 marshal, or an assistant marshal, of said Territory, directing
101 him to seize, and take into his custody, the
102 property aforesaid, or such portion thereof as the court or
103 judge shall direct, and to hold the same until such proceed-
104 ings are discontinued or the property is transferred by the
105 order of the court or judge to the receiver appointed as
106 aforesaid. After such attachment is levied, or after notice, as
107 prescribed by this section, of the hearing by the referee or
108 court of the matter stated in the complaint is given, no sale
109 or other disposition of the property attached or proceeded
110 against shall be valid or effectual, except in pursuance of said
111 proceedings, and all sales made in pursuance of this section
112 shall confer title of the property sold in the purchaser thereof.
113 If, at the time or at any time after the facts in the complaint
114 stated in this section are judicially established as herein pro-
115 vided, it shall appear to the court or judge that a sale for a
116 fair price of the property, real or personal, as contemplated
117 herein, cannot be had, or it shall be, in the judgment of the
118 court or judge, best for the interest of all parties interested to
119 assign, for such temporary use as may be needed, to the
120 persons sought to be relieved by this act, the whole or any
121 part of the real or personal property aforesaid, to be dis-
122 tributed among the beneficiaries as shall be required by their

123 several necessities, the court or judge shall make an order
124 to that effect, assigning specifically the property to the use
125 of the person to be benefited thereby, and designating the
126 length of time that the property shall be so used, which shall
127 in no case exceed two years ; and the receiver appointed in the
128 case shall see to it that said property is properly used and
129 not injured, wasted, or destroyed, more than the natural wear
130 thereof. And any disposition by the party owning said
131 property to interfere with the use aforesaid shall be void.
132 The chief justice of said Territory shall make and publish
133 such rules and regulations prescribing the fees for executing
134 the provisions of this act, with reference to sale, use, or
135 other disposition of property, to be paid to the several officers
136 engaged in the execution thereof, (but the judge or court be-
137 fore whom the proceedings are taken shall be entitled to no
138 fees,) as shall be just and necessary, and the court or judge
139 upon proof on oath of the services rendered, shall tax or ad-
140 just the fees in each case before him, and said fees shall be
141 collected out of the property attached, assigned, or sold, and
142 collected out of the personal property, if any, and if none,
143 or there is not sufficient, out of the real estate. When pro-
144 ceedings under this act are commenced before one court or
145 judge, such court or judge shall have exclusive jurisdiction
146 of the same until the final termination thereof, except that
147 for cause shown the chief justice of said Territory can by

148 order remove the said proceedings before any district court
149 or judge, or before himself, and continue the same before
150 such other officer or tribunal.

1 SEC. 31. *And be it further enacted,* That the Secretary
2 of the Treasury is hereby authorized and directed to afford
3 such temporary relief to destitute persons in said Territory
4 as cannot be relieved under the last section, and who are not
5 convicted of crime and are reduced to destitution by the
6 enforcement of the laws against polygamy, as in his judg-
7 ment may be necessary and proper, to an amount not exceed-
8 ing one hundred thousand dollars; and he may prescribe and
9 enforce such rules and regulations to obtain correct knowledge
10 on the subject, and to carry out the purposes hereof, as he may
11 deem proper and necessary.

1 SEC. 32. *And be it further enacted,* That the President
2 of the United States is empowered and directed, when in his
3 judgment it shall be necessary to enforce the laws of said
4 Territory, or the convictions and sentences of the courts
5 thereof, to send such a portion of the army of the United
6 States to said Territory, as shall be required therefor, and in
7 case a sufficient portion of said army cannot with safety be
8 detached from duty in other portions of the country to accom-
9 plish the same, the President is empowered and directed
10 further, to accept and receive into the military service of the
11 United States, volunteers to the number of not exceed-

12 ing forty thousand, and for such term of service as he
13 may deem proper, not exceeding two years. And the Secre-
14 tary of War is directed and required to make such rules and
15 regulations for the movement and transportation of the troops,
16 and the enlistment of volunteers, as shall be necessary.

1 SEC. 33. *And be it further enacted,* That whenever,
2 by the provisions of this act, an oath is required to be taken, if
3 the person taking the same shall knowingly swear falsely to
4 any matter or statement contained in said oath, or in his tes-
5 timony given in pursuance of the same, such person shall be
6 deemed guilty of perjury, and upon conviction thereof, shall be
7 sentenced to imprisonment for a period not exceeding five
8 years, nor less than two years, and the district courts of said
9 Territory shall have jurisdiction of such offenses.

1 SEC. 34. *And be it further enacted,* That this act shall
2 take effect from and after its passage, and all acts and parts
3 of acts of the United States or of the legislature of Utah,
4 not consistent herewith, are hereby repealed and disapproved.