

# Forgotten Books

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# ORDINANCES.

PASSED BY THE GENERAL ASSEMBLY OF THE STATE OF DESERET. 1850

AN ORDINANCE, to provide for the organization of Iron County:

Passed, Dec. 3, 1850.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that all that portion of country, lying in the south-east corner of the Great Basin; and being south of the divide between Beaver Creek and the Sevier River, and east of the Desert Range, extending south to the rim of the Basin, and east to the Wasatch Range of mountains; be and the same is hereby known and designated "Iron County."

Sec. 2. The Chief Justice of said County, is hereby appointed and authorized to organize said County. He shall cause notices of election to be made, and receive and open the returns of said election; qualify the officers elected according to law; approve of, and file their bonds in his office; and make return of his proceedings therein, as soon as practicable, being prior to the first day of June next.

Sec. 3. All officers elected and qualified under the provisions of this ordinance, shall hold their offices until superceded by due course of law. This ordinance to be in force from and after its passage, any law or ordinance to the contrary notwithstanding.

JEDEDIAH M. GRANT,  
Speaker of the House of Representatives.

HEBER C. KIMBALL,  
Speaker of the Senate.

Approved, Dec. 9, 1850, BRIGHAM YOUNG, Gov.

THOMAS BULLOCK, Clerk.

AN ORDINANCE, for the purpose of controlling the wood and timber; in the first Kanyon south of Mill Creek. Passed, December 4, 1850.

Sec. 1. Be it ordained by the General Assembly of the State

of Deseret, that James Rawlins is hereby granted the exclusive privilege of making a road, and controlling the wood and timber in the first Canyon south of Mill Creek Canyon.

Sec. 2. Be it further ordained, that said James Rawlins is authorized to charge not to exceed twenty-five cents per load for wood, or timber, hauled out of said Canyon; on condition that said Rawlins shall keep in good order a road into said Canyon, and see that the timber and wood in said Canyon are not wasted.

Sec. 3. Be it further ordained, that said Rawlins shall not receive toll on said road, or Canyon, after he shall have received the amount by toll which he may have expended in time, and means to open said Canyon, and keeping said road in repair; and that the said Rawlins is required to make out an annual report of receipts and expenditures on said Canyon, and report them to the Auditor of Public Accounts, on the first day of November in each year.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Dec. 9, 1850, BRIGHAM YOUNG, Gov.  
THOMAS BULLOCK, Clerk.

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AN ORDINANCE, to control the waters of the Twin Springs, and Rock Spring, in Tooele Valley, and County; for mills and irrigating purposes. Passed, December 4, 1850.

Sec. 1.- Be it ordained by the General Assembly of the State of Deseret, that Ezra T. Benson is hereby granted the exclusive privilege of controlling the waters in Tooele Valley, Tooele County, known as the Twin Springs; also the waters that issue from a Spring called the Rock Spring, in said Valley and County, for mills and irrigating purposes.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Dec. 9, 1850, BRIGHAM YOUNG, Gov.  
THOMAS BULLOCK, Clerk.

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AN ORDINANCE, for the encouragement of stage lines being established. Passed, Dec. 4, 1850.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that James A. Little, John M. Lytle, Horace S. Eldredge, George D. Grant, and Ferrymore Little; have the entire control, and management of the stage route, from Ogden City, and the settlements north, through Great Salt Lake City, Provo City, and Manti, to the County Seat of Iron County; and as soon as practicable, continuously, to intersect a stage route from Cahoon Pass, and San Diego in South California.

Sec. 2. The aforesaid persons, under the name and style of James A. Little & Co., are hereby constituted a body corporate, to carry into execution the aforesaid enterprise, and with power to sue and be sued, plead and be impleaded, defend and be defended, in any Court of law or equity, whatsoever; and shall continue with full powers with the aforesaid privileges, for the term of twenty years, next ensuing from the first day of January, 1851.

Sec. 3. In condition of the above privileges, the said Company are hereby required to put upon the routes aforesaid from Ogden City, or the northern settlements in the State of Deseret, by way of Great Salt Lake City, Provo and Manti Cities, terminating at the County Seat of Iron County; good and suitable stages or carriages, and animals the ensuing season, commencing as soon as practicable in the Spring, and for the first year pass the routes in each direction once a month; the second year, semi-monthly; and after that, weekly; having the privilege of passing the routes, or any part of them, oftener, if the Company see proper, or public necessity require it.

Sec. 4. The said Company shall furnish teams adequate to the service, with steady and experienced drivers; and have the privilege of receiving not exceeding ten cents per mile for each



passenger, with baggage not to exceed ten pounds weight; which may hereafter be increased at the discretion of the Legislature; and shall use due diligence to convey passengers and packages safe, and speedy, to their destination; and moreover, be responsible in all cases for carelessness or neglect of duty of any one of the Company, or any person in their employ.

Sec. 5. The said Company shall also have the privilege of receiving not exceeding ten cents per pound per hundred miles, for any extra baggage, or packages, weighing one pound and upwards; and shall keep books at each station, in which they shall enter the names of the passengers, where from, and their destination; as also a correct account of baggage or packages sent, the price, &c.—and accompanying the same with a way-bill from each station, in which shall be entered the aforesaid particulars.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Dec. 9, 1850, BRIGHAM YOUNG, Gov.

THOMAS BULLOCK, Clerk.

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TO THE GENERAL ASSEMBLY OF THE STATE OF DESERET:

*Gentlemen:*—The undersigned, humbly prays your Honorable Body to grant unto him the exclusive control over the timber, rocks, minerals and water, in the City Creek Canyon, as far as your jurisdiction extends; in order that the water may be continued pure unto the inhabitants of Great Salt Lake City; and he agrees to pay into the Treasury of the State, such sum as shall be an equivalent for the timber, rocks, and minerals, between the dividing ridges running down to said Creek, as shall be the valuation of the same; to be decided by a Committee of three, or such other Committee as shall be agreed upon by your Honorable Body.

And your petitioner will ever pray, that justice and judgment

may be in you all continually.

BRIGHAM YOUNG.

G. S. L. City, November 23, 1850.

AN ORDINANCE, granting the petition of Brigham Young.

Passed, Dec. 4, 1850.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that the petition of Brigham Young, praying for the privilege and control of City Creek, and Kanyon; be granted as set forth in said petition. And, that he pay into the Public Treasury the sum of five hundred dollars therefor.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Dec. 9, 1850, BRIGHAM YOUNG, Gov.

THOMAS BULLOCK, Clerk.

AN ORDINANCE, in relation to building a bridge across the Jordan River. Passed, Dec. 5, 1850.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that the State Commissioner is hereby authorized to let a contract for building a toll bridge, across the Jordan River, at or near Smith and Gardiner's mills on said river; if, in his opinion, the public good requires it, upon such terms and regulations as he shall see proper, and make report of his doings herein, to the Auditor of Public Accounts, on or before the first Monday in October next.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Dec. 9, 1850, BRIGHAM YOUNG, Gov.

THOMAS BULLOCK, Clerk.

AN ORDINANCE, appointing an Assessor and Collector, and as

sessing the County and State tax for the year 1851. Passed, January 6, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that a tax of two cents upon each dollar's worth of taxable property, in this State, be assessed and collected for the year 1851.

Sec. 2. The Assessor and Collector is hereby authorized and required to collect all delinquent taxes.

Sec. 3. All property and money not otherwise exempt by law being in said State, for the term of three months next preceding said assessment, shall be liable to taxes; and no merchant, or other person having goods or merchandize to sell, shall be permitted to offer the same for sale, without first securing the right, by paying the aforesaid assessment, without regard to the aforesaid specified term of three months.

Sec. 4. Horace S. Eldredge, of Great Salt Lake City, is hereby appointed to assess and collect the taxes, for the State of Deseret, for the year 1851; and he is hereby required to make his returns to the Auditor of Public Accounts, on or before the first day of November next.

Sec. 5. It shall be the duty of the Assessor and Collector, to carry out in separate columns, opposite their respective names, the road tax of each County, and deposit the same with the County Clerk of their respective Counties.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Jan. 9, 1851, BRIGHAM YOUNG, Gov.

THOMAS BULLOCK, Clerk.

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AN ORDINANCE, granting Little Cottonwood Canyon, to Benjamin L. Clapp and Charles Drown. Passed, Jan. 7, 1851.

Sec. 1. Be it ordained by the General Assembly of the State



of Deseret, that the exclusive right to control the waters in Little Cottonwood Canyon, is hereby granted to Benjamin L. Clapp and Charles Drown, for mill purposes.

Sec. 2. Said Clapp and Drown are required to make and keep in good repair, a road into said Canyon, to the acceptance of the State Commissioner of roads.

Sec. 3. After said road has been accepted, they (the said Clapp and Drown) may charge not to exceed twenty-five cents per load, for wood and poles that may be taken from the Canyon, over said road.

Sec. 4. Said Clapp and Drown are required to keep an accurate account of all receipts and expenditures on said road, and report the same to the Auditor of Public Accounts, on or before the first day of November annually.

Sec. 5. Whenever the reports to the Auditor of Public Accounts, shall show that the receipts have cancelled the expenditures on said road, it shall be free to the public.

Sec. 6. Said Clapp and Drown may have exclusive control of the timber, to supply a saw mill that they may erect on said Creek.

Sec. 7. Nothing herein contained, shall be so construed as to prevent the waters of said Creek, to be used for irrigating purposes when necessary.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Jan. 9, 1851, BRIGHAM YOUNG, Gov.

THOMAS BULLOCK, Clerk.

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AN ORDINANCE; granting the waters of North Mill Creek Canyon, and the waters of the next Canyon north, to Heber C. Kimball. Passed, Jan. 8, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that Heber C. Kimball, have the exclusive privilege of conveying the waters of North Mill Creek Canyon, and the



waters of the Kanyon next north, to wit:—about half a mile distant, to some convenient point below the mouth of the two Kanyons, and of appropriating the same to the use of a saw mill, grist mill, and other machinery.

Sec. 2. Nothing herem contained shall prevent the waters aforesaid, from being used, whenever and wherever it is necessary for irrigating.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Jan. 9, 1851, BRIGHAM YOUNG, Gov.

THOMAS BULLOCK, Clerk.

AN ORDINANCE, to incorporate Great Salt Lake City. Passed, January 9, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that all that district of country embraced in the following boundaries, to wit:—beginning at the south-east corner of the Church Pasture, about half a mile north of the Hot Spring; thence west to the west bank of the Jordan River; thence south, up the west bank thereof, to a point in said bank, directly west from the south-west corner of the five acre lots, south of said City; thence east to the aforesaid south-west corner of said five acre lots, and along the south line thereof; thence east to the base of the mountains; thence directly north to a point directly east of the south-east corner of the Church Pasture; thence west to the place of beginning:—including the present surveys of said City, shall be known and designated as Great Salt Lake City; and the inhabitants thereof, are hereby constituted a body corporate and politic, by the name aforesaid—and shall have perpetual succession, and may have, and use a *common seal*—which they may change and alter at pleasure.

Sec. 2. The inhabitants of said City, by the name and style aforesaid, shall have power to sue and be sued; to plead and be

impleaded; defend and be defended; in all Courts of law and equity; and in all actions whatsoever, to purchase, receive, and hold property, real and personal, in said City; to purchase, receive, and hold real property beyond the City, for burying grounds, or other public purposes, for the use of the inhabitants of said City; to sell, lease, convey, or dispose of property, real and personal, for the benefit of said City; to improve and protect such property, and to do all other things in relation thereto, as natural persons.

Sec. 3. There shall be a City council, to consist of a mayor, four aldermen, and nine counsellors; who shall have the qualifications of electors of said City, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The City council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Sec. 4. The mayor, aldermen, and counsellors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation, that they will support the Constitution of the United States, and of this State; and that they will well and truly perform the duties of their offices, to the best of their skill and abilities.

Sec. 5. On the first Monday of April next, and every two years thereafter, on said day, an election shall be held for the election of one mayor, four aldermen, and nine counsellors; and at the first election under this ordinance, three judges shall be chosen, viva voce, by the electors present. The said judges shall choose two clerks; and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation, such as is now required by law to be taken by judges and clerks of other elections; and at all subsequent elections. The necessary number of judges and clerks shall be appointed by the City council.

At the first election so held, the polls shall be opened at nine o'clock a. m., and closed at six o'clock p. m. At the close of the polls, the votes shall be counted, and a statement thereof proclaimed at the front door of the house, at which said election shall be held; and the clerks shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election; and each person so notified, shall within ten days after the election, take the oath or affirmation herein before mentioned. A certificate of which oath shall be deposited with the recorder, whose appointment is herein after provided for; and be by him preserved. And all subsequent elections shall be held, conducted, and returns thereof made, as may be provided for by ordinance of the City council.

Sec. 6. All free white male inhabitants, who are of the age of twenty-one years, who are entitled to vote for State officers, and who shall have been actual residents of said City, sixty days next preceding said election, shall be entitled to vote for City officers.

Sec. 7. The City council shall have authority to levy and collect taxes for City purposes, upon all taxable property, real and personal, within the limits of the City, not exceeding one half per cent per annum, upon the assessed value thereof; and may enforce the payment of the same, in any manner to be provided by ordinance, not repugnant to the Constitution of the United States, or of this State.

Sec. 8. The City council shall have power to appoint a recorder, treasurer, assessor and collector, marshall, and supervisor of streets. They shall also have the power to appoint all such other officers by ordinance, as may be necessary; define the duties of all City officers, and remove them from office at pleasure.

Sec. 9. The City council shall have power to require of all officers, appointed in pursuance of this ordinance, bonds with penalty and security, for the faithful performance of their respective duties, such as may be deemed expedient; and also to require all officers appointed as aforesaid, to take an oath for the faithful per-



formance of the duties of their respective offices.

Sec. 10. The City council shall have power and authority to make, ordain, establish, and execute all such ordinances, not repugnant to the Constitution of the United States, or of this State, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of said City,—for the protection of property therein, from destruction by fire or otherwise; and for the health and happiness thereof. They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office in or under the corporation, or for misconduct therein; to divide the City into wards, and specify the boundaries thereof, and create additional wards; to add to the number of aldermen and counsellors, and apportion them among the several wards, as may be just, and most conducive to the interest of the City.

Sec. 11. To establish, support, and regulate common schools; to borrow money on the credit of the City,—provided that no sum or sums of money be borrowed on a greater interest than six per cent per annum,—nor shall the interest on the aggregate of all the sums borrowed, and outstanding, ever exceed one half of the City revenue, arising from taxes assessed on real estate within this corporation.

Sec. 12. To make regulations to prevent the introduction of contagious diseases into the City, to make quarantine laws for that purpose, and enforce the same.

Sec. 13. To appropriate and provide for the payment of the expenses and debts of the City.

Sec. 14. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances,



and to prevent and remove the same.

Sec. 15. To provide the City with water; to dig wells, lay pump logs, and pipes, and erect pumps in the streets, for the extinguishment of fires, and convenience of the inhabitants.

Sec. 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve, and keep in repair, streets, avenues, lanes and alleys; and to establish, erect and keep in repair aqueducts and bridges.

Sec. 17. To provide for the lighting of the streets, and erecting lamp-posts; and establish, support and regulate night watches; to erect market houses, establish markets and market places, and provide for the government and regulations thereof.

Sec. 18. To provide for erecting all needful buildings for the use of the City; and for enclosing, improving, and regulating all public grounds, belonging to the City.

Sec. 19. To license, tax and regulate auctioneers, merchants, and retailers, grocers and taverns, ordinaries, hawkers, peddlers, brokers, pawn-brokers, and money-changers.

Sec. 20. To license, tax and regulate hacking, carriages, wagons, carts and drays; and fix the rates to be charged for the carriage of persons, and for wagonage, cartage and drayage of property; as also to license and regulate porters, and fix the rates of portage.

Sec. 21. To license, tax and regulate theatricals, and other exhibitions, shows and amusements.

Sec. 22. To tax, restrain, prohibit, and suppress tippling houses, dram shops, gaming houses, bawdy, and other disorderly houses.

Sec. 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys, and the fires thereof, and stove pipes, and to organize and establish fire companies.

Sec. 24. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials.

Sec. 25. To regulate and order parapet walls, and other

partition fences.

Sec. 26. To establish standard weights and measures, and regulate the weights and measures to be used in the City, in all other cases not provided for by law.

Sec. 27. To provide for the inspection and measureing of lumber, and other building materials; and for the measurement of all kinds of mechanical work.

Sec. 28. To provide for the inspection and weighing of hay, lime, and stone coal; and measureing of charcoal, firewood, and other fuel, to be sold or used within the City.

Sec. 29. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal; also beer, and whiskey, brandy, and all other spirituous or fermented liquors.

Sec. 30. To regulate the weight, quality, and price of bread, sold and used in the City.

Sec. 31. To provide for taking the enumeration of the inhabitants of the City.

Sec. 32. To fix the compensation of all City officers; and regulate the fees of jurors, witnesses, and others, for services rendered, under this, or any City ordinance.

Sec. 33. The City council shall have exclusive power within the City by ordinance, to license, regulate, suppress, or restrain billiard tables, and from one to twenty pin alleys; and every other description of gaming or gambling.

Sec. 34. The City council shall have exclusive power within the City by ordinance, to license, regulate, or restrain, the keeping of ferries, and toll bridges; to regulate the police of the City; to impose fines, forfeitures, and penalties, for the breach of any ordinance; and provide for the recovery of such fines and forfeitures; and the enforcement of such penalties, and to pass such ordinances as may be necessary and proper for carrying into effect and execution, the powers specified in this ordinance, provided such ordinances are not repugnant to the Constitution of the United States, or of this State.

**Sec. 35.** All ordinances passed by the City council, shall, within one month after they shall have been passed, be published in some newspaper, printed in said City, or certified copies thereof, be posted up in eight of the most public places in the City.

**Sec. 36.** All ordinances of the City may be proven by the seal of the corporation; and when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation; the same shall be received in evidence in all courts, or places without further proof.

**Sec. 37.** The mayor and aldermen, shall be conservators of the peace within the limits of the City; and shall have all the powers of justices of the peace therein, both in civil and criminal cases, arising under the laws of the State. They shall, as justices of the peace, within the limits of said City, perform the same duties, be governed by the same laws, give the same bonds and securities, as other justices of the peace, and be commissioned as justices of the peace, in and for said City, by the Governor.

**Sec. 38.** The mayor shall have exclusive jurisdiction in all cases, arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of said City, to the municipal court under such regulations, as may be presented by ordinance; which court shall be composed of the mayor, as chief justice, and the aldermen, as associate justices; and from the final judgment of the municipal court, to the county court of Great Salt Lake county, in the same manner as appeals are taken from justices of the peace; provided the parties litigant shall have a right to a trial by a jury of twelve men, in all cases before the municipal court. The municipal court shall have power to grant writs of Habeas Corpus, and try the same, in all cases arising under the ordinances of the City council.

**Sec. 39.** The municipal court shall sit on the first Monday of every month, and the City council, at such times and places as



may be prescribed by City ordinance, special meetings of which may at any time be called by the mayor or any two aldermen.

Sec. 40. All process issued by the mayor, aldermen, or municipal court, shall be directed to the marshal, and in the execution thereof, he shall be governed by the same laws, as are or may be prescribed for the direction and compensation of constables in similar cases. The marshal shall also perform such other duties as may be required of him under the ordinances of said City; and shall be the principal ministerial officer.

Sec. 41. It shall be the duty of the recorder, to make and keep accurate records of all ordinances, made by the City council, and of all their proceedings in their corporate capacity; which record shall, at all times, be open to the inspection of the electors of said city, and shall perform all other duties, as may be required of him by the ordinances of the City council, and shall serve as clerk of the municipal court.

Sec. 42. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue, or alley; the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the City.

Sec. 43. All jurors empannelled to enquire into the amount of benefits or damages, that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, signed by each juror.

Sec. 44. In case the mayor shall, at any time, be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, mal-conduct, or partiality, in the discharge of the duties of his office, he shall be liable to indictment in the county court of Great Salt Lake county; and on conviction, he shall be liable to fine and imprisonment; and the court shall have power on



the recommend of the jury to add to the judgment of the court, that he be removed from office.

Sec. 45. The City council shall have power to provide for the punishment of offenders and vagrants, by imprisonment in the county or city jail, or by compelling them to labor upon the streets, or other public works, until the same shall be fully paid; in all cases where such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

Sec. 46. The inhabitants of Great Salt Lake City shall, from and after the next ensuing two years, from the first Monday of April next, be exempt from working on any road or roads, beyond the limits of said City. But all taxes devoted to road purposes, shall, from and after said term of two years, be collected and expended by, and under the direction of the supervisor of streets, within the limits of said City.

Sec. 47. The mayor, aldermen, and counsellors of said City shall, in the first instance, be appointed by the Governor and Legislature of said State of Deseret; and shall hold their office until superceded by the first election.

Sec. 48. This ordinance is hereby declared to be a public ordinance, and shall be in force from and after its passage.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Jan. 19, 1851, BRIGHAM YOUNG, Gov. ~

THOMAS BULLOCK, Clerk.

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AN ORDINANCE, in relation to the timber in the mountains, west of Jordan. Passed, Dec. 3, 1851. ~

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that the exclusive control of the timber in the **Kan-**yons on the east side of the range of mountains west of Jordan, in Great Salt Lake County, is hereby granted to George A. Smith,





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yons and mountains leading into Tooele valley, and the Kanyons between Salt Lake valley and Tooele, is hereby granted to Ezra T. Benson, who is hereby authorized to control said Kanyons, to work roads into them, and to direct when, where, and by whom, timber may be taken out therefrom.

Sec. 2. Be it ordained, that any person getting timber from said Kanyons, shall be required to keep the roads clear, and to pay in labor, or otherwise, for the use of the private roads leading to the timber; and any person wasting, burning, or otherwise destroying the timber; shall be subject to all damages, and to a fine not exceeding one hundred dollars, at the discretion of the court having jurisdiction.

Sec. 3. No person shall be allowed to cut timber, in any place in these Kanyons, without permission from the proprietor; who is hereby authorized to give directions accordingly.

Sec. 4. Any person cutting timber, or wood, in the above Kanyons, and leaving it on the ground, an unreasonable time; the proprietor of said Kanyons shall have the privilege to remove said wood and timber, and dispose of it; and the avails paid into the public treasury.

Sec. 5. Nothing in the above ordinance shall be so construed as to prevent, or hinder the citizens of said counties from getting timber, wood, or poles, in any of said Kanyons, for their own use, by observing the above regulations. JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Jan. 9, 1851, BRIGHAM YOUNG, Gov.

THOMAS BULLOCK, Clerk.

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AN ORDINANCE, in relation to county courts. Passed, January 6, 1851.

Sec. 1. Be it ordained by the General Assembly of the State

of Deseret, that the county court shall hold, in their respective counties, a semi-annual session, commencing the first Monday of March next.

Sec. 2. The county court shall, at their March term or session, appoint the judges of election, and jurors for the then current and ensuing year, to hold over until their successors are appointed and qualified. The grand inquest for the county, for the next two ensuing regular sessions, and the petit jurors the next ensuing session; and the county court shall, at their October term, select the petit jurors for the next ensuing March session.

Sec. 3. It shall be the duty of the county court, at their March term, to take into consideration the situation of the affairs of the county; to settle with the commissioner, and the assessor and collector; assess the tax for the year ensuing, and generally to do and perform the county business for the year: nevertheless, from and after the first term of said court, to be holden on the first Monday of March next, they shall have power to try causes, the same in all respects whatever, as is now provided in the act concerning the judiciary, passed January 9, 1850.

Sec. 4. It shall be the duty of the county clerk to settle with the commissioner, assessor and collector; and to show a correct exhibit of the fiscal affairs of the county, at the beginning of the March term; and to facilitate said settlement of the fiscal affairs of said county, it shall be the duty of all officers of said county, in any wise handling the public funds, and all persons having claims against said county, to make out and deliver into the hands of the county clerk, all claims against said county, on or before the first Monday of October in each year; and full and ample reports on or before the first Monday in December in each year.

Sec 5. The county clerks shall make out and deliver into the hands of the county commissioner, abstracts from the assessor and collector's book of the road tax in their respective counties, in a line opposite the names against whom the same may be assess-



ed, taking his receipt therefor; and it shall be the duty of the said commissioner to furnish one copy of the same to each supervisor of roads, of all the names in their respective districts.

Sec. 6. The county courts in their respective counties, from and after the current year, shall assess the county tax; and the same, together with the State tax, shall be assessed and collected by the county assessor and collector:—the county tax to be paid into the county treasury; and the State tax to be paid into the State treasury; and the county assessor and collector shall make a full and concise report, and return the same to the Auditor of Public Accounts, on or before the first Monday of November in each year; and shall moreover pay into the State treasury, all State funds collected by him semi-annually, on or before the first Monday in November as aforesaid; and on or before the first Monday of March in each year.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Jan. 9, 1851, BRIGHAM YOUNG, Gov.

THOMAS BULLOCK, Clerk.

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AN ORDINANCE, in relation to a road tax, and Supervisors.

Passed, January 6, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that each and every able bodied male person over eighteen years of age, having a residence of three months in this State, shall pay a poll tax of one day's labor yearly upon the roads or highways.

Sec. 2. All taxable property within this State, shall also be liable to a tax for road purposes, and may be assessed by the county court in each county, at their regular March term or session, in each year; provided they shall not assess a tax of more than half per cent, or at the rate of more than one day's labor for ev-

ery three hundred dollars' worth of property.

Sec. 3. The poll tax and all assessment of tax for road purposes, may be paid in labor upon the roads and highways, at the rate of ten hours good, and faithful labor for each day assessed, or commute the same by paying into the hands of the county commissioner, or the supervisor of the precinct, in which he, she, or they do reside, one dollar and fifty cents for each and every day's labor so assessed.

Sec. 4. Each precinct shall be considered a road district, until otherwise ordered by the county court; and in all such precincts or road districts, where there is no supervisor, they shall appoint one, who shall hold his office until superseded by an election.

Sec. 5. It shall be the duty of the county commissioners in their respective counties, to open and keep in good repair all public roads and bridges, so far as the labor and means hereby devoted to road purposes will allow; and the supervisors of roads are hereby required to expend the labor and means of their respective districts for road purposes, under the direction and general superintendence of the said county commissioner, or pay over into his hands the residue of all means by them collected; and it shall be the duty of the county commissioner, to make out and deliver to the county court at their March term annually, a full and complete report of all sums, either in labor, money, or otherwise received by him, and the disbursements of the same.

Sec. 6. Any person liable to the aforesaid tax, who shall refuse or neglect to perform the labor herein required, or pay in lieu thereof the sum herein specified, when required by the supervisor of the district, or the county commissioner of their county after they have received reasonable notice of the time and place where said labor may be expended, or money paid, shall forfeit and pay for each offence twice the amount of the tax required, together with the costs of court, which amount may be recovered before any justice of the peace, or court having jurisdiction.

Sec. 7. . It shall be the duty of the supervisors of road districts, to prosecute all delinquents in their respective districts, and for failing to do so, they shall be liable to pay twice the amount lost, by or through his or their neglect, and it is hereby made the duty of the county commissioner, to settle with each and every supervisor, on or before the first day of December in each year, and prosecute all delinquent supervisors, before the county court, who refuse or neglect to comply with the requirements of this ordinance.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Jan. 9, 1851, BRIGHAM YOUNG, Gov.

THOMAS BULLOCK, Clerk.

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AN ORDINANCE, for establishing Probate Courts, and defining the duties thereof. Passed, Jan. 16, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that a court of probate shall be organized in each county of this State, and consist of one judge, who shall be elected by joint vote of both Houses of the General Assembly, for the same time, and for the same term, as the chief justice for the county courts; and shall take an oath of office, and file a bond in the office of the clerk of the supreme court, for the faithful performance of his official duties, with approved securities, in the sum of ten thousand dollars; which bond may be increased when the court shall deem it necessary.

Sec. 2. The judge of probate shall have power to take the probate of wills, and grant administration of the estate of all deceased persons, who were at the time of their decease, inhabitants of, or residents in the same county, and of all who shall die without the State or county, leaving an estate within such county; and also to appoint guardians to minors and others.



Sec. 3. The judge of probate shall have jurisdiction of all matters relating to the settlement of the estates of such deceased persons, minors, and others, under guardianship.

Sec. 4. Judge of probate shall have power to issue all warrants and processes necessary to carry into effect the powers granted in this ordinance.

Sec. 5. It shall be the duty of any sheriff, deputy, or constable, to serve and execute all warrants and processes, to them directed, by the judges of probate of the county in which said officer resides.

Sec. 6. Each judge of probate shall make out transcripts in case of appeals, and record in books kept for that purpose, all the orders and decrees of court; and also all wills proved in court, with the probate thereof; all letters testamentary and of administration, and of all warrants, reports, returns, accounts, and bonds; and all other judicial proceedings of the court, which ought to be recorded.

Sec. 7. The supreme court shall be the supreme court of probate, and have appellate jurisdiction of all matters determinable by the respective judges of probate.

Sec. 8. Any person aggrieved by any order, denial, sentence, or decree of a judge of probate, may appeal therefrom to the supreme court; provided that such appeal is claimed, and notice thereof is given at the probate office, within twenty days from the date of the proceedings appealed from.

Sec. 9. After an appeal is claimed, and notice thereof given at the probate office, all further proceedings in pursuance of the order, sentence, or decree appealed from, shall cease until the determination of the supreme court of probate shall be had thereon; provided, that nothing herein contained, shall be so construed as to hinder the disposal, or otherwise securing of perishable property.

Sec. 10. Said court shall hold a session at the county seat



of their respective counties, on the first Monday of each month.

Sec. 11. The chief justice of each county may be appointed probate judge, for their respective counties.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Jan. 19, 1851, BRIGHAM YOUNG, Gov.

THOMAS BULLOCK, Clerk.

AN ORDINANCE, apportioning the representation of the State of Deseret. Passed, Jan. 17, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that Great Salt Lake County shall be entitled to elect nine senators and twenty representatives, to the General Assembly of said State. Davis county, one senator and two representatives; Weber county, two senators and four representatives; Utah county, two senators and four representatives; San-Pete county, one senator and two representatives; Iron county, one senator and two representatives; Tooele county, one senator and one representative. The foregoing apportionment shall continue until the census shall have been taken, when a new apportionment shall be made.

Sec. 2. It is hereby made the duty of the county clerks in their respective counties, to include in the election notices, all the offices which are to be filled, and issue a writ of election to the sheriff of the county, four weeks next preceding all or any regular election.

Sec. 3. The sheriff shall post up, in at least eight public places in his county, copies of such notices, at least twenty days previous to said election; and cause the same to be published in any newspaper in the county, if there be one.

JEDEDIAH M. GRANT,





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Sec. 6. Be it further ordained, that if any person or persons shall administer poison as prescribed in the foregoing section; with criminal intent, and death does not ensue; they shall be deemed guilty of a high misdemeanor, and on conviction thereof, shall be fined, or imprisoned, or both, as the court may direct.

Sec. 7. Be it further ordained, that if any doctor, physician, apothecary, or any other person, shall give, communicate, or administer; or by their influence, counsel, advice, persuasion, suggestion, or by any means whatsoever, give or cause to be given, by themselves directly or indirectly, or through the aid or medium of any other person or persons agency or means whatsoever, any deadly poison, whether animal, mineral, or vegetable; such as quicksilver, arsenic, antimony, or any mercurial, arsenical; or antimonial preparations therefrom; or cicuta, deadly night-shade, henbane, opium, or any of the diversified preparations therefrom; or any drugs, medicines, and other preparations, such as chloroform, ether, exhilarating gas, calculated in their nature to destroy sensibility, from any other poisonous minerals or vegetables, to any citizen of the State of Deseret, whether sick or well, old or young, man, woman, or child, under pretence of curing disease, or from any other real or pretended cause, influence, argument, or from any design or purpose whatsoever, without first explaining fully, definitely, critically, simply, and unequivocally to the patient, and surrounding friends and relatives, such as father, mother, husband, wife, children, guardian, or others as the case may be, and in plain, simple, English language, the specific nature, operation, and design of said poison or poisonous preparation, about to be, or intended to be given, and procuring the unequivocal approval, approbation and consent of the patient, if of mature years & sound mind, and of the parents, guardians, or other friends, to the giving, administering, or communicating said poison so intended; said doctor, physician, apothecary, person or persons so administering said poison, without the full and free assent of said



patient, and friends, shall be adjudged guilty of a high misdemeanor, and be punishable in any sum not less than one thousand dollars, and be imprisoned or confined to hard labor for any time not less than one year: and if the death of the patient or person; so receiving the poison as above specified, shall follow the taking the same, without being made acquainted with the nature thereof; then the doctor, physician, apothecary, person or persons so giving or causing to be given said poison, shall be adjudged guilty of manslaughter, or murder as the case may be, by any court having jurisdiction, and be punished according to ordinance for such crimes:—

Provided, that the administration of poisons, as specified in the foregoing section, and the penalties thereof, shall not attach to doctors, physicians, and apothecaries, having their own drugs, poisons, and medicines, accompanying, and administering to companies and individuals travelling through the State, the same not being citizens of the State; but all such doctors and companies so travelling, may administer to, and receive of their own drugs, poisons, or medicines, with good intent, on their own responsibility.

Sec. 8. Be it further ordained, that when the killing of a human being takes place unintentionally, as by accident; the slayer, being engaged in doing a lawful act, the court, upon conviction of the fact, shall discharge the prisoner from further prosecution.

Sec. 9. Be it further ordained, that, if any person or persons in the lawful defence of their own life, or limb, or family, or their liberty, or his or their property, or in the defence of any public property, shall unavoidably take the life or lives of any person or persons, on proof of the same before the court; he, she, or they, shall be discharged from further prosecution.

Sec. 10. Be it further ordained, that when any person shall be found guilty of murder, under any of the preceding sections of this ordinance, and sentenced to die, he she or they shall suffer death, by being shot, hung or beheaded.

Sec. 11. Be it further ordained, that, when any person or persons shall be found guilty of murder, and sentenced to die, as the penalty of that offence, by any court in this State having jurisdiction; the execution of the sentence shall be deferred, until a transcript of the proceedings and decision of said court, shall be furnished the executive of the State, and upon the acknowledgment of the receipt of the same to the clerk of the court having framed the judgment, and the acknowledgment of the same shall not be attended with a reprieve, commutation, or pardon; then, and in that case, the culprit shall suffer death, as the court may have directed.

Sec. 12. Be it further ordained, that if any person or persons shall, with criminal intent, set fire to, or cause the same to be done, to any building of any description, or to any fence, rick of grain, or hay, wagon, boat, vessel, raft, bridge, or any description of property whatever, they shall be deemed guilty of a high misdemeanor, and upon conviction thereof, he, she, or they, shall be fined or imprisoned, or both, at the discretion of the court; and, if any person or persons shall set fire to any prairie or kanyon of timber, they shall, on conviction thereof, be deemed guilty of a high misdemeanor, and shall be adjudged to pay all damages accruing thereby, and be fined or imprisoned, or both, at the discretion of the court.

Sec. 13. Be it further ordained, that if any person or persons shall unlawfully break into, or enter the yard or dwelling of any person, or into their enclosure, or wagon, boat vessel, or tent, with a criminal intent of any kind; they shall be fined or imprisoned, or both, at the discretion of the court.

Sec. 14. Be it further ordained, that if any person shall swear falsely, with evil design, pertaining to any case in issue before any court, on conviction thereof, they shall be deemed guilty of perjury; and he or she shall be fined or imprisoned, or both, as the court may direct; and, if any person or persons shall hire, or cause

by any means whatsoever, any person to swear falsely in any case in issue before any court; they shall, on conviction thereof, be deemed guilty of perjury, and shall suffer the same penalty.

Sec. 15. Be it further ordained, that if any person or persons shall commit a forgery, by making or altering any instrument of writing, or signature, or bank note, to the prejudice or injury of another, he, she, or they, on conviction thereof, shall be fined or imprisoned, or both, as the court may direct.

Sec. 16. Be it further ordained, that if any person or persons shall make any spurious coin, of any kind, or shall knowingly have it in possession with an intent to pass, or shall be accessory to the same, or shall knowingly pass any counterfeit or illegal coin, to the injury of any person or persons, they shall, on conviction thereof, suffer fine and imprisonment, as the court may direct.

Sec. 17. Be it further ordained, that if any person shall fight a duel in this State, or shall go beyond the limits of this State, for the purpose of fighting a duel, and death shall ensue in consequence thereof, to either party; the surviving party shall be deemed guilty of murder, and punished accordingly.

Sec. 18. If any person in this State, shall send, accept, or knowingly bear a challenge for a duel, or meet for the purpose of fighting a duel, or be accessory thereto, or leave the State for that purpose, being residents of this State, shall, on conviction thereof, be deemed guilty of a high misdemeanor, and shall be fined or imprisoned, or both, at the discretion of the court.

Sec. 19. Be it further ordained, that if any person or persons shall swear, by the name of God, or Jesus Christ, in any manner using their names profanely, shall, for each offence, pay the sum of not less than five dollars, or be imprisoned at the discretion of the court.

Sec. 20. Be it further ordained, that if any two or more persons shall assemble themselves together, in any disorderly man-



ner, and disturb the peace, or molest the person or property of any individual, or any passer by, or attempt the same; they shall be arrested forthwith by any of the officers of this State, or by any citizen if no officer is present, and they shall be deemed guilty of riot, and, on conviction thereof, be fined or imprisoned at the discretion of the court.

Sec. 21. Be it further ordained, that for any illegal trespass on the rights of another, the person so offending, on conviction thereof, shall be bound to make full restitution, and be fined or imprisoned, or both, at the discretion of the court.

Sec. 22. Be it further ordained, that if any person or persons shall have, or attempt to have a sexual intercourse with any of the brute creation, on conviction thereof, they shall be deemed guilty of a high misdemeanor, and be fined or imprisoned, or both, at the discretion of the court.

Sec. 23. Be it further ordained, that if any man or boy shall have, or attempt to have, any sexual intercourse with any of the male creation, on conviction thereof, they shall be deemed guilty of Sodomy, and be fined or imprisoned, or both, as the court may direct.

Sec. 24. If any man shall have sexual intercourse with any female not his wife, or shall seduce any female; or any person being accessory to the same, shall, on conviction thereof, be subject to imprisonment and hard labor not exceeding five years, and private damages, and a fine not exceeding five thousand dollars, at the discretion of the court; and any female seducing, or unlawfully cohabiting with a male, shall receive the same punishment.

Sec. 25. Be it further ordained, that if any man or boy shall force a woman or girl, to a sexual intercourse, or attempt the same with them, on conviction of the fact to the court, he shall be fined or imprisoned, or both, as the court may direct.

Sec. 26. Be it further ordained, that if any person or persons shall use any means, by which an untimely birth of any child

shall be had, or any pregnant woman shall be delivered, by which the death of one or either may be produced, unless the same shall be proven to have been done for the purpose of preserving the life of the mother, they shall be deemed guilty of murder, and upon conviction thereof, suffer the penalty as provided in the first section of this ordinance.

Sec. 27. Be it further ordained, that if any person or persons shall commit a robbery, by forcibly taking from the possession of another, any species of property, they shall, on conviction thereof, be fined or imprisoned, or both, at the discretion of the court.

Sec. 28. Be it further ordained, that if any person or persons shall steal any species of property whatever, or be accessory thereunto, he, she, or they shall, on conviction thereof, pay four fold, and be fined or imprisoned, or both, at the discretion of the court.

Sec. 29. Be it further ordained, that if any person or persons shall assault in any manner whatsoever, any person, or strike the same with an intent to maim them, in any manner, or injure any person, they shall, on conviction thereof, pay all damages sustained, and be fined or imprisoned, or both, at the discretion of the court.

Sec. 30. Be it further ordained, that if any officer in this State shall accept any bribe, by which he becomes a delinquent in the discharge of his duty, on conviction thereof, he shall forfeit his office, and ever after be incapacitated to hold any office in this State; and be fined or imprisoned, or both, at the discretion of the court.

Sec. 31. Be it further ordained, that if any person shall attempt to take forcibly any person from this State into another illegally, he shall, on conviction thereof, be fined or imprisoned, or both, at the discretion of the court.

Sec. 32. Be it further ordained, that if any person shall, through malice or revenge, cause any person to be illegally impris-

oned, they shall, on conviction thereof, pay all damages to the person so imprisoned, and be fined or imprisoned, or both, at the discretion of the court.

Sec. 33. Be it further ordained, that if any person or persons shall, by deception, defraud another out of any money or species of property, they shall, on conviction thereof, be liable to restore four fold, and be fined or imprisoned at the discretion of the court.

Sec. 34. Be it further ordained, that the foregoing ordinance be in force from and after its passage. JEDEDIAH M. GRANT,  
Speaker of the House of Representatives.  
HEBER C. KIMBALL,  
Speaker of the Senate.

Approved, Jan. 19, 1851, BRIGHAM YOUNG, Gov.  
THOMAS BULLOCK, Clerk.

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AN ORDINANCE, pertaining to North Cottonwood Kanyon.—  
Passed, Jan. 15, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that Willard Richards have the exclusive right of working a road or roads into, or through the North Cottonwood Kanyon, and control the same.

Sec. 2. Be it further ordained, that all contracts and acts pertaining to the price of lumber and rates of toll, as set forth in the petition, and granted unto Willard Richards in 1849, pertaining to North Cottonwood Kanyon, is hereby repealed.

JEDEDIAH M. GRANT,  
Speaker of the House of Representatives.  
HEBER C. KIMBALL,  
Speaker of the Senate.

Approved, Jan. 19, 1851, BRIGHAM YOUNG, Gov.  
THOMAS BULLOCK, Clerk.





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spective districts to reside, being liable to perform military duty.

Sec. 5. In all such districts, all persons subject to military duty, shall be enrolled in the company of said district; provided, that said person or persons do not belong to, and do perform military duty in some other company, and produce a certificate of his enrollment from the captain of said company, that he or they may have joined by voluntary enrollment, and in case so many shall have joined by voluntary enrollment, some other company as aforesaid, so as not to leave a sufficient number in the said company district; then and in that case, two or more of said districts may be attached for the purpose of making up said company, until such time as said districts shall be able to furnish a sufficient number to constitute a company therein.

Sec. 6. It shall be the duty of the commandants of companies, to make out and deliver into the hands of the colonels of their respective regiments, a full, complete, and ample report of the number of men, number of arms, description thereof, amount of ammunition, and condition thereof, within five days after every company muster, together with a list of all who may have been delinquent at such muster. They shall also, in like manner, make due return of their respective companies, at all musters as herein provided.

Sec. 7. It shall be the duty of the commandants of companies, and of regiments, and of cohorts, and the commandants of the Legion in their respective commands, to carry into effect the militia laws of the State, and see that all delinquents, or delinquent officers, and officers having the collection of fines or forfeitures, do perform their duties respectively; and if any officer, whose duty it is to collect fines and forfeitures, shall neglect or fail in the discharge of his duty, he shall be liable before a court martial, for neglect of duty; and may be liable for all sums lost in consequence of his failure or neglect, and to be cashiered at the discretion of the court.

Sec. 8. The quartermaster and commissary of the Legion, shall make out reports of all sums by them received and expended; as well as the amount contracted, as soon as practicable after each campaign or expedition; and return the same to the adjutant general's office; as also a full and ample report of all the expenditures of that nature, on or before the first day of November in each year.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Jan. 19, 1851, BRIGHAM YOUNG, Gov.

THOMAS BULLOCK, Clerk.

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AN ORDINANCE, to incorporate Ogden City. Passed, Pebruary 6, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that all that district of Weber county embraced in the following boundaries, to wit:

Beginning at the base of the mountain due east of the present mill dam on Weber river, and running due west to the south end of said mill dam; thence continuing the same a due west course to a point due south of the confluence of the Weber and Ogden rivers; thence due north to the confluence of the said rivers to a point due west of the mouth of Ogden-hole Canyon; thence east to the mouth of Ogden-hole Canyon; thence in a southerly direction, along the base of the mountain to the place of beginning; shall be known and designated under the name and style of Ogden City; providing the said City council shall have the jurisdiction over, and control of the water and timber adjacent upon said streams, from the mouth of the Ogden and Weber river Canyons to the western boundary of said City.

Sec. 2. The inhabitants of said City by the name and style aforesaid, shall have power to sue and be sued, to plead and be im-



pleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever, to purchase, receive, and hold property, real and personal, in said City; to purchase, receive, and hold real property beyond the City for burying grounds or public purposes, for the use of the inhabitants of said City; to sell, lease, convey, or dispose of property, real and personal, for the benefit of said City; to improve and protect such property; and do all other things in relation thereto as natural persons.

Sec. 3. There shall be a City council, to consist of a mayor, four aldermen, and nine counsellors; who shall have the qualifications of electors of said City, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The City council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Sec. 4. The mayor, aldermen, and counsellors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation, that they will support the Constitution of the United States, and of this State; and that they will well and truly perform the duties of their offices, to the best of their skill and abilities.

Sec. 5. On the first Monday of April next, and every two years thereafter, on said day, an election shall be held for the election of one mayor, four aldermen, and nine counsellors; and at the first election under this ordinance, three judges shall be chosen, viva voce, by the electors present. The said judges shall choose two clerks; and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation, such as is now required by law to be taken by judges and clerks of other elections; and at all subsequent elections. The necessary num-

ber of judges and clerks shall be appointed by the City council. At the first election so held, the polls shall be opened at nine o'clock a. m., and closed at six o'clock p. m. At the close of the polls, the votes shall be counted, and a statement thereof proclaimed at the front door of the house, at which said election shall be held; and the clerks shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election; and each person so notified, shall within ten days after the election, take the oath or affirmation herein before mentioned. A certificate of which oath shall be deposited with the recorder, whose appointment is herein after provided for; and be by him preserved. And all subsequent elections shall be held, conducted, and returns thereof made, as may be provided for by ordinance of the City council.

Sec. 6. All free white male inhabitants, who are of the age of twenty-one years, who are entitled to vote for State officers, and who shall have been actual residents of said City, sixty days next preceding said election, shall be entitled to vote for City officers.

Sec. 7. The City council shall have authority to levy and collect taxes for City purposes, upon all taxable property, real and personal, within the limits of the City, not exceeding one half per cent per annum, upon the assessed value thereof; and may enforce the payment of the same, in any manner to be provided by ordinance, not repugnant to the Constitution of the United States, or of this State.

Sec. 8. The City council shall have power to appoint a recorder, treasurer, assessor and collector, marshall, and supervisor of streets. They shall also have the power to appoint all such other officers by ordinance, as may be necessary; define the duties of all City officers, and remove them from office at pleasure.

Sec. 9. The City council shall have power to require of all officers, appointed in pursuance of this ordinance, bonds with penalty and security, for the faithful performance of their respective



duties, such as may be deemed expedient; and also to require all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

Sec. 10. The City council shall have power and authority to make, ordain, establish, and execute all such ordinances, not repugnant to the Constitution of the United States, or of this State, as they may deem necessary for the peace, benefit, good order, regulation, convenience; and cleanliness of said City,—for the protection of property therein, from destruction by fire or otherwise; and for the health and happiness thereof. They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office in or under the corporation, or for misconduct therein; to divide the City into wards, and specify the boundaries thereof, and create additional wards; to add to the number of aldermen and counsellors, and apportion them among the several wards, as may be just, and most conducive to the interest of the City.

Sec. 11. To establish, support, and regulate common schools; to borrow money on the credit of the City,—provided that no sum or sums of money be borrowed on a greater interest than six per cent per annum,—nor shall the interest on the aggregate of all the sums borrowed, and outstanding, ever exceed one half of the City revenue, arising from taxes assessed on real estate within this corporation.

Sec. 12. To make regulations to prevent the introduction of contagious diseases into the City, to make quarantine laws for that purpose, and enforce the same.

Sec. 13. To appropriate and provide for the payment of the expenses and debts of the City.

Sec. 14. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and to prevent and remove the same.

Sec. 15. To provide the City with water; to dig wells, lay pump logs and pipes, and erect pumps in the streets, for the extinguishment of fires, and the convenience of the inhabitants.

Sec. 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair, streets, avenues, lanes, and alleys; and to establish, erect, and keep in repair, aqueducts and bridges.

Sec. 17. To provide for the lighting of the streets, and erecting lamp-posts; and to establish, support, and regulate night watches; to erect market houses, establish markets and market places; and provide for the government and regulation thereof.

Sec. 18. To provide for the erection of all needful buildings, for the use of the city; and for enclosing, improving, and regulating all public grounds belonging to the city.

Sec. 19. To license, tax, and regulate auctioneers, merchants, retailers, grocers, taverns, ordinaries, hawkers, peddlers, brokers, pawn-brokers, and money-changers.

Sec. 20. To license, tax, and regulate hacking carriages, wagons, carts, and drays; and fix the rates to be charged for the carriage of persons; and for wagoners, carters, and drayers of property; as also to license and regulate porters, and fix the rates of portage.

Sec. 21. To license, tax, and regulate theatricals, and other exhibitions, shows, and amusements.

Sec. 22. To tax, restrain, prohibit, and suppress tippling houses, dram shops, gaming houses, bawdy, and other disorderly houses.

Sec. 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys and the flues thereof,



and stove pipes; and to organize and establish fire companies.

Sec. 24. To regulate the storage of gun powder, tar, pitch, rosin, and other combustible materials.

Sec. 25. To regulate and order parapet walls, and other partition fences.

Sec. 26. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not provided for by law.

Sec. 27. To provide for the inspecting and measuring of lumber, and other building materials, and for the measurement of all kinds of mechanical work.

Sec. 28. To provide for the inspection and weighing of hay, lime, and stone coal; and the measuring of charcoal, fire-wood, and other fuel to be sold or used within the city.

Sec. 29. To provide for, and regulate the inspection of tobacco, beef, pork, flour, meal; also beer, whisky, and brandy; and all other spirituous or fermented liquors.

Sec. 30. To regulate the weight, quality, and price of bread sold and used in the city.

Sec. 31. To provide for taking the enumeration of the inhabitants of the city.

Sec. 32. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses, and others for services rendered under this or any city ordinance.

Sec. 33. The city council shall have exclusive power within the city, by ordinance, to license, regulate, suppress, or restrain billiard tables, and from one to twenty pin alleys; and every other description of gaming or gambling.

Sec. 34. The city council shall have exclusive power within the city, by ordinance, to license, regulate, or restrain the keeping of ferries and toll bridges; to regulate the police of the city; to impose fines, forfeitures, and penalties for the breach of any ordinance; and provide for the recovery of such fines and forfeitures.





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shall have a right to a trial by a jury of twelve men, in all cases before the municipal court. The municipal court shall have power to grant writs of Habeas Corpus, and try the same, in all cases arising under the ordinances of the City council..

Sec. 39. The municipal court shall sit on the first Monday of every month, and the City council, at such times and places as may be prescribed by City ordinance, special meetings of which may at any time be called by the mayor or any two aldermen.

Sec. 40. All process issued by the mayor, aldermen, or municipal court, shall be directed to the marshall, and in the execution thereof, he shall be governed by the same laws, as are or may be prescribed for the direction and compensation of constables in similar cases. The marshall shall also perform such other duties as may be required of him under the ordinances of said City; and shall be the principal ministerial officer.

Sec. 41. It shall be the duty of the recorder, to make and keep accurate records of all ordinances, made by the City council, and of all their proceedings in their corporate capacity; which record shall, at all times, be open to the inspection of the electors of said city, and shall perform all other duties, as may be required of him by the ordinances of the City council, and shall serve as clerk of the municipal court.

Sec. 42. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue, or alley; the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the City.

Sec. 43. All jurors empannelled to enquire into the amount of benefits or damages, that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, signed by each

juror.

Sec. 44. In case the mayor shall, at any time, be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, mal-conduct, or partiality, in the discharge of the duties of his office, he shall be liable to indictment in the county court of Weber county; and on conviction, he shall be liable to a fine and imprisonment; and the court shall have power on the recommend of the jury, to add to the judgment of the court, that he be removed from office.

Sec. 45. The city council shall have power to provide for the punishment of offenders and vagrants by imprisonment in the county or city jail, or by compelling them to labor on the streets, or other public works, until the same shall be fully paid, in all cases when such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be awarded against them.

Sec. 46. The inhabitants of Ogden City shall, from and after the next ensuing two years from the first Monday of April next, be exempt from working on any road or roads beyond the limits of said city; but all taxes devoted to road purposes shall, from and after said term of two years, be collected and expended by, and under the direction of the supervisor of streets, within the limits of said city.

Sec. 47. This ordinance is hereby declared to be a public ordinance, and shall be in force from and after its passage.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Feb. 6, 1851, BRIGHAM YOUNG, Gov.

THOMAS BULLOCK, Clerk.

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AN ORDINANCE, to incorporate the City of Manti. Passed,  
February 6, 1851.



**Sec. 1.** Be it ordained by the General Assembly of the State of Deseret, that all that portion of the county of San Pete, which lies in the following boundaries, to wit:

Beginning at the Warm Spring (about two miles) south of the present city plat in said county; thence west to the west bank of San Pete creek; thence north and north-east along the west bank of said creek to a point due west of the mouth of Willow creek kanyon; thence east to the mouth of Willow creek kanyon; thence due south to a parallel line due east of the aforesaid Warm Spring; thence west on said line to the place of beginning,—including the survey of said plat,—shall be known and designated as the city of Manti; and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid; and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure. ~

**Sec. 2.** The inhabitants of said City by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever. to purchase, receive, and hold property, real and personal, in said City; to purchase, receive, and hold real property beyond the City for burying grounds or public purposes, for the use of the inhabitants of said City; to sell, lease, convey, or dispose of property, real and personal, for the benefit of said City; to improve and protect such property; and do all other things in relation thereto as natural persons.

**Sec. 3.** There shall be a City council, to consist of a mayor, four aldermen, and nine counsellors; who shall have the qualifications of electors of said City, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The City council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and

compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Sec. 4. The mayor, aldermen, and counsellors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation, that they will support the Constitution of the United States, and of this State; and that they will well and truly perform the duties of their offices, to the best of their skill and abilities.

Sec. 5. On the first Monday of April next, and every two years thereafter, on said day, an election shall be held for the election of one mayor, four aldermen, and nine counsellors; and at the first election under this ordinance, three judges shall be chosen, viva voce, by the electors present. The said judges shall choose two clerks; and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation, such as is now required by law to be taken by judges and clerks of other elections; and at all subsequent elections. The necessary number of judges and clerks shall be appointed by the City council. At the first election so held, the polls shall be opened at nine o'clock a. m., and closed at six o'clock p. m. At the close of the polls, the votes shall be counted, and a statement thereof proclaimed at the front door of the house, at which said election shall be held; and the clerks shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election; and each person so notified, shall within ten days after the election, take the oath or affirmation herein before mentioned. A certificate of which oath shall be deposited with the recorder, whose appointment is herein after provided for; and be by him preserved. And all subsequent elections shall be held, conducted, and returns thereof made, as may be provided for by ordinance of the City council.

Sec. 6. All free white male inhabitants, who are of the age of twenty-one years, who are entitled to vote for State officers, and



who shall have been actual residents of said City, sixty days next preceding said election, shall be entitled to vote for City officers.

Sec. 7. The City council shall have authority to levy and collect taxes for City purposes, upon all taxable property, real and personal, within the limits of the City, not exceeding one half per cent per annum, upon the assessed value thereof; and may enforce the payment of the same, in any manner to be provided by ordinance, not repugnant to the Constitution of the United States, or of this State.

Sec. 8. The City council shall have power to appoint a recorder, treasurer, assessor and collector, marshall, and supervisor of streets. They shall also have the power to appoint all such other officers by ordinance, as may be necessary; define the duties of all City officers, and remove them from office at pleasure.

Sec. 9. The City council shall have power to require of all officers, appointed in pursuance of this ordinance, bonds with penalty and security, for the faithful performance of their respective duties, such as may be deemed expedient; and also to require all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

Sec. 10. The City council shall have power and authority to make, ordain, establish, and execute all such ordinances, not repugnant to the Constitution of the United States, or of this State, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of said City,—for the protection of property therein, from destruction by fire or otherwise; and for the health and happiness thereof. They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office in or under the corporation, or for misconduct

therein; to divide the City into wards, and specify the boundaries thereof, and create additional wards; to add to the number of aldermen and counsellors, and apportion them among the several wards, as may be just, and most conducive to the interest of the City.

Sec. 11. To establish, support, and regulate common schools; to borrow money on the credit of the City,—provided that no sum or sums of money be borrowed on a greater interest than six per cent per annum,—nor shall the interest on the aggregate of all the sums borrowed, and outstanding, ever exceed one half of the City revenue, arising from taxes assessed on real estate within this corporation.

Sec. 12. To make regulations to prevent the introduction of contagious diseases into the City, to make quarantine laws for that purpose, and enforce the same.

Sec. 13. To appropriate and provide for the payment of the expenses and debts of the City.

Sec. 14. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and to prevent and remove the same.

Sec. 15. To provide the City with water; to dig wells, lay pump logs and pipes, and erect pumps in the streets, for the extinguishment of fires, and the convenience of the inhabitants.

Sec. 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair, streets, avenues, lanes, and alleys; and to establish, erect, and keep in repair, aqueducts and bridges.

Sec. 17. To provide for the lighting of the streets, and erecting lamp-posts; and to establish, support, and regulate night watches; to erect market houses, establish markets and market places; and provide for the government and regulation thereof.

Sec. 18. To provide for the erection of all needful buildings,



for the use of the city; and for enclosing, improving, and regulating all public grounds belonging to the city.

Sec. 19. To license, tax, and regulate auctioneers, merchants, retailers, grocers, taverns, ordinaries, hawkers, peddlers, brokers, pawn-brokers, and money-changers.

Sec. 20. To license, tax, and regulate hacking carriages, wagons, carts, and drays; and fix the rates to be charged for the carriage of persons; and for wagoners, carters, and drayers of property; as also to license and regulate porters, and fix the rates of portage.

Sec. 21. To license, tax, and regulate theatricals, and other exhibitions, shows, and amusements.

Sec. 22. To tax, restrain, prohibit, and suppress tippling houses, dram shops, gaming houses, bawdy, and other disorderly houses.

Sec. 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys and the flues thereof, and stove pipes; and to organize and establish fire companies.

Sec. 24. To regulate the storage of gun powder, tar, pitch, rosin, and other combustible materials.

Sec. 25. To regulate and order parapet walls, and other partition fences.

Sec. 26. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not provided for by law.

Sec. 27. To provide for the inspecting and measuring of lumber, and other building materials, and for the measurement of all kinds of mechanical work.

Sec. 28. To provide for the inspection and weighing of hay, lime, and stone coal; and the measuring of charcoal, fire-wood, and other fuel to be sold or used within the city.

Sec. 29. To provide for, and regulate the inspection of tobacco, beef, pork, flour, meal; also beer, whisky, and brandy; and all





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of justices of the peace therein, both in civil and criminal cases, arising under the laws of the State. They shall, as justices of the peace, within the limits of said City, perform the same duties, be governed by the same laws; give the same bonds and securities, as other justices of the peace, and be commissioned as justices of the peace, in and for said City, by the Governor.

Sec. 38. The mayor shall have exclusive jurisdiction in all cases, arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of said City, to the municipal court under such regulations, as may be presented by ordinance; which court shall be composed of the mayor as chief justice, and the aldermen, as associate justices; and from the final judgment of the municipal court, to the county court of San Pete county, in the same manner as appeals are taken from justices of the peace; provided the parties litigant shall have a right to a trial by a jury of twelve men, in all cases before the municipal court. The municipal court shall have power to grant writs of Habeas Corpus, and try the same, in all cases arising under the ordinances of the City council.

Sec. 39. The municipal court shall sit on the first Monday of every month, and the City council, at such times and places as may be prescribed by City ordinance, special meetings of which may at any time be called by the mayor or any two aldermen.

Sec. 40. All process issued by the mayor, aldermen, or municipal court, shall be directed to the marshal, and in the execution thereof, he shall be governed by the same laws, as are or may be prescribed for the direction and compensation of constables in similar cases. The marshal shall also perform such other duties as may be required of him under the ordinances of said City; and shall be the principal ministerial officer.

Sec. 41. It shall be the duty of the recorder, to make and

keep accurate records of all ordinances, made by the City council, and of all their proceedings in their corporate capacity; which record shall, at all times, be open to the inspection of the electors of said city; and shall perform all other duties, as may be required of him by the ordinances of the City council, and shall serve as clerk of the municipal court.

Sec. 42. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue, or alley; the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the City.

Sec. 43. All jurors empannelled to enquire into the amount of benefits or damages, that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, signed by each juror.

Sec. 44. In case the mayor shall, at any time, be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, mal-conduct, or partiality, in the discharge of the duties of his office, he shall be liable to indictment in the county court of San Pete county; and on conviction, he shall be liable to a fine and imprisonment; and the court shall have power on the recommendation of the jury, to add to the judgment of the court, that he be removed from office.

Sec. 45. The city council shall have power to provide for the punishment of offenders and vagrants by imprisonment in the county or city jail, or by compelling them to labor on the streets, or other public works, until the same shall be fully paid, in all cases when such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be awarded against them.

Sec. 46. The inhabitants of the city of Manti shall, from and after



the next ensuing two years from the first Monday of April next, be exempt from working on any road or roads beyond the limits of said city; but all taxes devoted to road purposes shall, from and after said term of two years, be collected and expended by, and under the direction of the supervisor of streets, within the limits of said city.

Sec. 47. This ordinance is hereby declared to be a public ordinance, and shall be in force from and after its passage.

JEDEDIAH M. GRAN'T,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Feb. 6, 1851, BRIGHAM YOUNG, Gov.

THOMAS BULLOCK, Clerk.

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AN ORDINANCE, to incorporate Provo City. Passed, February 6, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that all that district of country embraced in the following boundaries, in Utah county, to wit:—

Commencing two miles south from the present survey of the city of Provo, at the edge of Utah lake; thence east to the mountain; thence northerly with the mountain to the north bank of the Provo river; thence west to the said lake; thence southerly along the edge of the lake to the place of beginning,—shall be known and designated under the name and style of Provo City; and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid; and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Sec. 2. The inhabitants of said City by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity,

and in all actions whatsoever, to purchase, receive, and hold property, real and personal, in said City; to purchase, receive, and hold real property beyond the City for burying grounds or public purposes, for the use of the inhabitants of said City; to sell, lease, convey, or dispose of property, real and personal, for the benefit of said City; to improve and protect such property; and do all other things in relation thereto as natural persons.

Sec. 3. There shall be a City council, to consist of a mayor, four aldermen, and nine counsellors; who shall have the qualifications of electors of said City, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The City council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Sec. 4. The mayor, aldermen, and counsellors, before entering upon the duties of their offices, shall take and subscribe an oath or affirmation, that they will support the Constitution of the United States, and of this State; and that they will well and truly perform the duties of their offices, to the best of their skill and abilities.

Sec. 5. On the first Monday of April next, and every two years thereafter, on said day, an election shall be held for the election of one mayor, four aldermen, and nine counsellors; and at the first election under this ordinance, three judges shall be chosen, viva voce, by the electors present. The said judges shall choose two clerks; and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation, such as is now required by law to be taken by judges and clerks of other elections; and at all subsequent elections. The necessary number of judges and clerks shall be appointed by the City council.



At the first election so held, the polls shall be opened at nine o'clock a. m., and closed at six o'clock p. m. At the close of the polls, the votes shall be counted, and a statement thereof proclaimed at the front door of the house, at which said election shall be held; and the clerks shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election; and each person so notified, shall within ten days after the election, take the oath or affirmation herein before mentioned. A certificate of which oath shall be deposited with the recorder, whose appointment is herein after provided for; and be by him preserved. And all subsequent elections shall be held, conducted, and returns thereof made, as may be provided for by ordinance of the City council.

Sec. 6. All free white male inhabitants, who are of the age of twenty-one years, who are entitled to vote for State officers, and who shall have been actual residents of said City, sixty days next preceding said election, shall be entitled to vote for City officers.

Sec. 7. The City council shall have authority to levy and collect taxes for City purposes, upon all taxable property, real and personal, within the limits of the City, not exceeding one half per cent per annum, upon the assessed value thereof; and may enforce the payment of the same, in any manner to be provided by ordinance, not repugnant to the Constitution of the United States, or of this State.

Sec. 8. The City council shall have power to appoint a recorder, treasurer, assessor and collector, marshal, and supervisor of streets. They shall also have the power to appoint all such other officers by ordinance, as may be necessary; define the duties of all City officers, and remove them from office at pleasure.

Sec. 9. The City council shall have power to require of all officers, appointed in pursuance of this ordinance, bonds with penalty and security, for the faithful performance of their respective duties, such as may be deemed expedient; and also to require all

officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

Sec. 10. The City council shall have power and authority to make, ordain, establish, and execute all such ordinances, not repugnant to the Constitution of the United States, or of this State, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and clearness of said City,—for the protection of property therein, from destruction by fire or otherwise; and for the health and happiness thereof. They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office in or under the corporation, or for misconduct therein; to divide the City into wards, and specify the boundaries thereof, and create additional wards; to add to the number of aldermen and counsellors, and apportion them among the several wards, as may be just, and most conducive to the interest of the City.

Sec. 11. To establish, support, and regulate common schools; to borrow money on the credit of the City,—provided that no sum or sums of money be borrowed on a greater interest than six per cent per annum,—nor shall the interest on the aggregate of all the sums borrowed, and outstanding, ever exceed one half of the City revenue arising from taxes assessed on real estate within this corporation.

Sec. 12. To make regulations to prevent the introduction of contagious diseases into the City, to make quarantine laws for that purpose, and enforce the same.

Sec. 13. To appropriate and provide for the payment of the expenses and debts of the City.

Sec. 14. To establish hospitals, and make regulations for the



government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and to prevent and remove the same.

Sec. 15. To provide the City with water; to dig wells, lay pump logs and pipes, and erect pumps in the streets, for the extinguishment of fires, and the convenience of the inhabitants.

Sec. 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair, streets, avenues, lanes, and alleys; and to establish, erect, and keep in repair, aqueducts and bridges.

Sec. 17. To provide for the lighting of the streets, and erecting lamp-posts; and to establish, support, and regulate night watches; to erect market houses, establish markets and market places; and provide for the government and regulation thereof.

Sec. 18. To provide for the erection of all needful buildings, for the use of the city; and for enclosing, improving, and regulating all public grounds belonging to the city.

Sec. 19. To license, tax, and regulate auctioneers, merchants, retailers, grocers, taverns, ordinaries, hawkers, peddlers, brokers, pawn-brokers, and money-changers.

Sec. 20. To license, tax, and regulate hacking carriages, wagons, carts, and drays; and fix the rates to be charged for the carriage of persons; and for wagoners, carters, and drayers of property; as also to license and regulate porters, and fix the rates of portage.

Sec. 21. To license, tax, and regulate theatricals, and other exhibitions, shows, and amusements.

Sec. 22. To tax, restrain, prohibit, and suppress tippling houses, dram shops, gaming houses, bawdy, and other disorderly houses.

Sec. 23. To provide for the prevention and extinguishment of fires; to regulate the fixing of chimneys and the flues thereof, and stove pipes; and to organize and establish fire companies.





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ces, as may be necessary and proper for carrying into effect and execution the powers specified in this ordinance; provided, such ordinances are not repugnant to the Constitution of the United States, or of this State.

Sec. 35. All ordinances passed by the City council, shall, within one month after they shall have been passed, be published in some newspaper, printed in said City, or certified copies thereof, be posted up in eight of the most public places in the City.

Sec. 36. All ordinances of the City may be proven by the seal of the corporation; and when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation; the same shall be received in evidence in all courts, or places without further proof.

Sec. 37. The mayor and aldermen, shall be conservators of the peace within the limits of the City; and shall have all the powers of justices of the peace therein, both in civil and criminal cases, arising under the laws of the State. They shall, as justices of the peace, within the limits of said City, perform the same duties, be governed by the same laws, give the same bonds and securities, as other justices of the peace, and be commissioned as justices of the peace, in and for said City, by the Governor.

Sec. 38. The mayor shall have exclusive jurisdiction in all cases, arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of said City, to the municipal court under such regulations, as may be presented by ordinance; which court shall be composed of the mayor, as chief justice, and the aldermen, as associate justices; and from the final judgment of the municipal court, to the county court of Utah county, in the same manner as appeals are taken from justices of the peace; provided the parties litigant shall have a right to a trial by a jury of twelve men, in all cases,

before the municipal court. The municipal court shall have power to grant writs of Habeas Corpus, and try the same, in all cases arising under the ordinances of the City council.

Sec. 39. The municipal court shall sit on the first Monday of every month, and the City council, at such times and places as may be prescribed by City ordinance, special meetings of which may at any time be called by the mayor or any two aldermen.

Sec. 40. All process issued by the mayor, aldermen, or municipal court, shall be directed to the marshal, and in the execution thereof, he shall be governed by the same laws, as are or may be prescribed for the direction and compensation of constables in similar cases. The marshal shall also perform such other duties as may be required of him under the ordinances of said City; and shall be the principal ministerial officer.

Sec. 41. It shall be the duty of the recorder, to make and keep accurate records of all ordinances, made by the City council, and of all their proceedings in their corporate capacity; which record shall, at all times, be open to the inspection of the electors of said city, and shall perform all other duties, as may be required of him by the ordinances of the City council, and shall serve as clerk of the municipal court.

Sec. 42. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue, or alley; the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the City.

Sec. 43. All jurors empannelled to enquire into the amount of benefits or damages, that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, signed by each juror.



Sec. 44. In case the mayor shall, at any time, be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, mal-conduct, or partiality, in the discharge of the duties of his office, he shall be liable to indictment in the county court of Utah county; and on conviction, he shall be liable to a fine and imprisonment; and the court shall have power on the recommend of the jury, to add to the judgment of the court, that he be removed from office.

Sec. 45. The city council shall have power to provide for the punishment of offenders and vagrants by imprisonment in the county or city jail, or by compelling them to labor on the streets, or other public works, until the same shall be fully paid, in all cases when such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be awarded against them.

Sec. 46. The inhabitants of Provo City shall, from and after the next ensuing two years from the first Monday of April next, be exempt from working on any road or roads beyond the limits of said city; but all taxes devoted to road purposes shall, from and after said term of two years, be collected and expended by, and under the direction of the supervisor of streets, within the limits of said city.

Sec. 47. This ordinance is hereby declared to be a public ordinance, and shall be in force from and after its passage.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Feb. 6, 1851, BRIGHAM YOUNG, Gov.

THOMAS BULLOCK, Clerk.

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AN ORDINANCE, to incorporate Parowan City, in Iron County.  
Passed, February 6, 1851.

Sec. 1. Be it ordained by the General Assembly of the State

of Deseret, that all that district of country in Iron county, in this State, beginning at the dam, above the saw-mill, in the mouth of the kanyon, on Centre creek, and running from thence north-east along the base of the mountain two miles; thence north three miles; thence west six miles; thence south to the base of the mountain; thence along the base of the mountain in a north-easterly direction, to the place of beginning,—including the present location,—shall be known and designated as Parowan City, and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid, and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Sec. 2. The inhabitants of said City by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever, to purchase, receive, and hold property, real and personal, in said City; to purchase, receive, and hold real property beyond the City for burying grounds or public purposes, for the use of the inhabitants of said City; to sell, lease, convey, or dispose of property, real and personal, for the benefit of said City; to improve and protect such property; and do all other things in relation thereto as natural persons.

Sec. 3. There shall be a City council, to consist of a mayor, four aldermen, and nine counsellors; who shall have the qualifications of electors of said City, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The City council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Sec. 4. The mayor, aldermen, and counsellors, before enter-



ing upon the duties of their offices, shall take and subscribe an oath or affirmation, that they will support the Constitution of the United States, and of this State; and that they will well and truly perform the duties of their offices, to the best of their skill and abilities.

Sec. 5. On the first Monday of April next, and every two years thereafter, on said day, an election shall be held for the election of one mayor, four aldermen, and nine counsellors; and at the first election under this ordinance, three judges shall be chosen, viva voce, by the electors present. The said judges shall choose two clerks; and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation, such as is now required by law to be taken by judges and clerks of other elections; and at all subsequent elections. The necessary number of judges and clerks shall be appointed by the City council. At the first election so held, the polls shall be opened at nine o'clock a. m., and closed at six o'clock p. m. At the close of the polls, the votes shall be counted, and a statement thereof proclaimed at the front door of the house, at which said election shall be held; and the clerks shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election; and each person so notified, shall within ten days after the election, take the oath or affirmation herein before mentioned. A certificate of which oath shall be deposited with the recorder, whose appointment is herein after provided for; and be by him preserved. And all subsequent elections shall be held, conducted, and returns thereof made, as may be provided for by ordinance of the City council.

Sec. 6. All free white male inhabitants, who are of the age of twenty-one years, who are entitled to vote for State officers, and who shall have been actual residents of said City, sixty days next preceding said election, shall be entitled to vote for City officers.

Sec. 7. The City council shall have authority to levy and

collect taxes for City purposes, upon all taxable property, real and personal, within the limits of the City, not exceeding one half per cent per annum, upon the assessed value thereof; and may enforce the payment of the same, in any manner to be provided by ordinance, not repugnant to the Constitution of the United States, or of this State.

Sec. 8. The City council shall have power to appoint a recorder, treasurer, assessor and collector, marshall, and supervisor of streets. They shall also have the power to appoint all such other officers by ordinance, as may be necessary; define the duties of all City officers, and remove them from office at pleasure.

Sec. 9. The City council shall have power to require of all officers; appointed in pursuance of this ordinance, bonds with penalty and security, for the faithful performance of their respective duties, such as may be deemed expedient; and also to require all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

Sec. 10. The City council shall have power and authority to make, ordain, establish, and execute all such ordinances, not repugnant to the Constitution of the United States, or of this State, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of said City,—for the protection of property therein, from destruction by fire or otherwise; and for the health and happiness thereof. They shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the officers of said corporation, not herein established; to impose such fines not exceeding one hundred dollars for each offence, as they may deem just, for refusing to accept of any office in or under the corporation, or for misconduct therein; to divide the City into wards, and specify the boundaries thereof, and create additional wards; to add to the number of aldermen and counsellors, and apportion them among the several



wards, as may be just, and most conducive to the interest of the City.

Sec. 11. To establish, support, and regulate common schools; to borrow money on the credit of the City,—provided that no sum or sums of money be borrowed on a greater interest than six per cent per annum,—nor shall the interest on the aggregate of all the sums borrowed, and outstanding, ever exceed one half of the City revenue, arising from taxes assessed on real estate within this corporation.

Sec. 12. To make regulations to prevent the introduction of contagious diseases into the City, to make quarantine laws for that purpose, and enforce the same.

Sec. 13. To appropriate and provide for the payment of the expenses and debts of the City.

Sec. 14. To establish hospitals, and make regulations for the government of the same; to make regulations to secure the general health of the inhabitants; to declare what shall be nuisances, and to prevent and remove the same.

Sec. 15. To provide the City with water; to dig wells, lay pump logs and pipes, and erect pumps in the streets, for the extinguishment of fires, and the convenience of the inhabitants.

Sec. 16. To open, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair, streets, avenues, lanes, and alleys; and to establish, erect, and keep in repair, aqueducts and bridges.

Sec. 17. To provide for the lighting of the streets, and erecting lamp-posts; and to establish, support, and regulate night watches; to erect market houses, establish markets and market places; and provide for the government and regulation thereof.

Sec. 18. To provide for the erection of all needful buildings, for the use of the city; and for enclosing, improving, and regulating all public grounds belonging to the city.

Sec. 19. To license, tax, and regulate auctioneers, merchants,





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Sec. 31. To provide for taking the enumeration of the inhabitants of the city.

Sec. 32. To fix the compensation of all city officers; and regulate the fees of jurors, witnesses, and others for services rendered under this or any city ordinance.

Sec. 33. The city council shall have exclusive power within the city, by ordinance, to license, regulate, suppress, or restrain billiard tables, and from one to twenty pin alleys; and every other description of gaming or gambling.

Sec. 34. The city council shall have exclusive power within the city, by ordinance, to license, regulate, or restrain the keeping of ferries and toll bridges; to regulate the police of the city; to impose fines, forfeitures, and penalties for the breach of any ordinance; and provide for the recovery of such fines and forfeitures, and the enforcement of such penalties; and to pass such ordinances, as may be necessary and proper for carrying into effect and execution the powers specified in this ordinance; provided, such ordinances are not repugnant to the Constitution of the United States, or of this State.

Sec. 35. All ordinances passed by the City council, shall, within one month after they shall have been passed, be published in some newspaper, printed in said City, or certified copies thereof, be posted up in eight of the most public places in the City.

Sec. 36. All ordinances of the City may be proven by the seal of the corporation; and when printed or published in book or pamphlet form, purporting to be printed or published by the authority of the corporation; the same shall be received in evidence in all courts, or places without further proof.

Sec. 37. The mayor and aldermen, shall be conservators of the peace within the limits of the City; and shall have all the powers of justices of the peace therein, both in civil and criminal cases, arising under the laws of the State. They shall, as justices of the peace, within the limits of said City, perform the same duties, be

governed by the same laws, give the same bonds and securities, as other justices of the peace, and be commissioned as justices of the peace, in and for said City, by the Governor.

Sec. 38. The mayor shall have exclusive jurisdiction in all cases, arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of said City, to the municipal court under such regulations, as may be presented by ordinance; which court shall be composed of the mayor, as chief justice, and the aldermen, as associate justices; and from the final judgment of the municipal court, to the county court of Iron county, in the same manner as appeals are taken from justices of the peace; provided the parties litigant shall have a right to a trial by a jury of twelve men, in all cases before the municipal court. The municipal court shall have power to grant writs of Habeas Corpus, and try the same, in all cases arising under the ordinances of the City council.

Sec. 39. The municipal court shall sit on the first Monday of every month, and the City council, at such times and places as may be prescribed by City ordinance, special meetings of which may at any time be called by the mayor or any two aldermen.

Sec. 40. All process issued by the mayor, aldermen, or municipal court, shall be directed to the marshal, and in the execution thereof, he shall be governed by the same laws, as are or may be prescribed for the direction and compensation of constables in similar cases. The marshal shall also perform such other duties as may be required of him under the ordinances of said City, and shall be the principal ministerial officer.

Sec. 41. It shall be the duty of the recorder, to make and keep accurate records of all ordinances, made by the City council, and of all their proceedings in their corporate capacity; which record shall, at all times, be open to the inspection of the electors of



said city, and shall perform all other duties, as may be required of him by the ordinances of the City council, and shall serve as clerk of the municipal court.

Sec. 42. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue, or alley; the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested men, who shall be inhabitants of the City.

Sec. 43. All jurors empannelled to enquire into the amount of benefits or damages, that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the mayor their inquest in writing, signed by each juror.

Sec. 44. In case the mayor shall, at any time, be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, mal-conduct, or partiality, in the discharge of the duties of his office, he shall be liable to indictment in the county court of Iron county; and on conviction, he shall be liable to a fine and imprisonment; and the court shall have power on the recommend of the jury, to add to the judgment of the court, that he be removed from office.

Sec. 45. The city council shall have power to provide for the punishment of offenders and vagrants by imprisonment in the county or city jail, or by compelling them to labor on the streets, or other public works, until the same shall be fully paid, in all cases when such offenders or vagrants shall fail or refuse to pay the fines and forfeitures which may be awarded against them.

Sec. 46. The inhabitants of Parowan City shall, from and after the next ensuing two years from the first Monday of April next, be exempt from working on any road or roads beyond the limits of said city; but all taxes devoted to road purposes shall, from and

after said term of two years, be collected and expended by, and under the direction of the supervisor of streets, within the limits of said city.

Sec. 47. This ordinance is hereby declared to be a public ordinance, and shall be in force from and after its passage.

JEDEDIAH M. GRANT,  
Speaker of the House of Representatives.

HEBER C. KIMBALL, ...  
Speaker of the Senate.

Approved, Feb. 6, 1851, BRIGHAM YOUNG, Gov.

THOMAS BULLOCK, Clerk.

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AN ORDINANCE, incorporating the Church of Jesus Christ of Latter-day Saints. Passed, Feb. 4, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that all that portion of the inhabitants of said State, which now are, or hereafter may become residents therein, and which are known and distinguished as "The Church of Jesus Christ of Latter-day Saints," are hereby incorporated, constituted, made and declared a body corporate, with perpetual succession, under the original name and style of "The Church of Jesus Christ of Latter-day Saints," as now organized, with full power and authority to sue and be sued; defend and be defended, in all courts of law or equity in this State; to establish order, and regulate worship, and hold and occupy real and personal estate, and have and use a seal, which they may alter at pleasure.

Sec. 2. And be it further ordained, that said body or church, as a religious society, may, at a general or special conference, elect one "trustee-in-trust," and not to exceed twelve assistant trustees, to receive, hold, buy, sell, manage, use and control the real and personal property of said church; which said property shall be free from taxation; which trustee and assistant trustees, when elected or appointed, shall give bonds with approved security, in whatever



er sum the said conference may deem sufficient, for the faithful performance of their several duties; which said bonds, when approved, shall be filed in the general church recorder's office, at the seat of general church business; when said bonds are approved by said conference: and said trustee and assistant trustees shall continue in office during the pleasure of said church: and there shall also be made, by the clerk of the conference of said church, a certificate of such election or appointment of said trustee and assistant trustees, which shall be recorded in the general church recorder's office, at the seat of general church business: and when said bonds are filed, and said certificates recorded, said trustee or assistant trustees, may receive property, real or personal, by gift, donation, bequest, or in any manner; not incompatible with the principles of righteousness, or the rules of justice; inasmuch as the same shall be used, managed, or disposed of for the benefit, improvement, erection of houses for public worship, and instruction, and the well-being of said church.

Sec. 3. And be it further ordained, that, as said church holds the constitutional and original right, in common with all civil and religious communities, "to worship God according to the dictates of conscience;" to reverence communion agreeably to the principles of truth, and to solemnize marriage compatible with the revelations of Jesus Christ; for the security and full enjoyment of all blessings and privileges, embodied in the religion of Jesus Christ free to all; it is also declared, 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 association, and domestic happiness; temporal expansion; or spiritual in-

crease upon the earth, may not legally be questioned: provided, however, that each and every act, or practice so established, or adopted for law, or custom, shall relate to solemnities, sacraments, ceremonies, consecrations, endowments, tithings, marriages, fellowship, or the religious duties of man to his Maker; inasmuch as the doctrines, principles, practices, or performances, support virtue, and increase morality, and are not inconsistent with, or repugnant to, the Constitution of the United States, or of this State, and are founded in the revelations of the Lord.

Sec. 4. And be it further ordained, that said church shall keep, at every full organized branch or stake, a registry of marriages, births, and deaths; free for the inspection of all members, and for their benefit.

Sec. 5. And be it further ordained, that the presidency of said church shall fill all vacancies of the assistant trustees, necessary to be filled, until superseded by the conference of said church.

Sec. 6. Be it further ordained, that no assistant trustee or trustees shall transact business in relation to buying, selling, or otherwise disposing of church property; without the consent or approval of the trustee-in-trust of said church.

JEDEDIAH M. GRANT,  
Speaker of the House of Representatives.

HEBER C. KIMBALL,  
Speaker of the Senate.

Approved, Feb. 8, 1851, BRIGHAM YOUNG, Gov.  
THOMAS BULLOCK, Clerk.

AN ORDINANCE, authorizing the Judges of the several Counties of this State, to grant Mill, and other Water Privileges, and to control the Timber in their respective Counties.—  
Passed, Feb. 4, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that the judges of the several counties in this State,



are hereby authorized to grant mill, and other water power privileges, on any water-course, or creek, and to control the timber within their respective counties; inasmuch as the said privileges do not interfere with the rights of the community, for common uses, or irrigation, or any privileges heretofore granted by this legislative body.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Feb. 12, 1851, BRIGHAM YOUNG, Gov.

THOMAS BULLOCK, Clerk.

AN ORDINANCE, in relation to Herding.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that all herdsmen shall be held responsible for all beasts taken into their charge for herding; they shall be able to give an accurate account of said beasts when called for by the owner, or his agent, and shall give bonds to the amount of twice the value of stock taken for herding, for the faithful performance of their duties before entering upon that important trust.

Sec. 2. Be it further ordained, that if any such beast be destroyed by lightning, or in any other way, which the herdsman could not prevent; then upon satisfying the owner, or any court having jurisdiction of the same, said herdsman shall be released from the aforesaid obligation.

Sec. 3. Be it further ordained; that if the owner of any part of said herd, shall be under the necessity of searching for his beast or beasts, by the neglect of said herdsman, the herdsman shall pay said owner a reasonable compensation for his time so spent.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,





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costs shall be delivered over with such animal or animals into the hands of the stray pound keeper.

Sec. 5. Any horse, mule, ox, cow, or other animal or animals, which shall throw down or break over any fence into any enclosure which shall be judged by two or more fence-viewers to be in lawful repair, the owner of such animal shall be liable to the person or persons so damaged for all damages sustained, which may be recovered with costs before any justice of the precinct where such damage shall have been done.

Sec. 6. Any horse, mule, ox, cow, or other animal or animals found in mischief, which has been known and proven to be unruly, and has before broken over or through any lawful fence, and the owner has been duly notified thereof, and neglected or refused to take care of such animal or animals, it shall be the duty of any and every person having a knowledge of the facts, to drive them to the stray pound.

Sec. 7. Any unruly animal or animals taken up and driven to the stray pound, as specified in the preceding section, shall be forfeited and sold, or disposed of by the pound keeper, to pay the expense of taking up, damages, and costs, and the residue shall be paid into the Perpetual Emigrating Company's Fund semi-annually for the use of the poor.

Sec. 8. It shall be the duty of the pound keeper in each precinct to give twenty days' notice, by publication in a newspaper, or the posting up of bills in three of the most public places in the precinct, previous to making sale of any animal in his possession, forfeited for sale, agreeably to the provisions of this ordinance. He shall keep an accurate account of the same, with the proceeds thereof, together with the amount paid out, on certificates of appraisal of damages and costs, and make report thereof semi-annually to the clerk of the county court, with the amount due the Poor Fund.

Sec. 9. Nothing in this ordinance shall be so construed or in-

derstood, as to prevent the just and impartial assessment of damages, or in any wise hinder the real owner from recovering his animal by paying all such just and reasonable charges, excepting such animals as are forfeited, agreeably to the sixth and seventh sections of this ordinance.

JEDEDIAH M. GRANT,  
Speaker of the House of Representatives.

HEBER C. KIMBALL,  
Speaker of the Senate.

Approved, Feb. 12, 1851, BRIGHAM YOUNG, Gov.

THOMAS BULLOCK, Clerk.

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AN ORDINANCE, relating to Inclosures and Trespass. Passed,  
Feb. 7, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that all lands, except those that are inclosed or being inclosed, are hereby declared common pasturage, and all peaceable animals shall be free to run at large and graze thereon, except swine.

Sec. 2. All farming lands used for raising grain, grass, or other agricultural purposes, shall be inclosed with a good and lawful fence sufficient to secure the crop therein from the encroachments of all kinds of peaceable animals.

Sec. 3. All fence, four and a half feet high, in good repair, consisting of rails, poles, boards, stone, or other suitable materials, and all fence, of any description whatever; and all brooks, rivers, sloughs, ponds, hedges, or other obstructions, which shall be in the judgment of two or more fence-viewers equal thereto, shall be deemed a lawful fence.

Sec. 4. Any person owning fence, or different individuals owning portions of fence inclosing fields owned as tenants in common for farming or other purposes, who shall refuse or neglect to keep in lawful repair such fence or portions of fence, shall pay all



damages sustained by any other person in said field, in consequence of such neglect.

Sec. 5. Any person or persons, who shall throw down fence, or open bars or gates into any inclosure other than their own, or into any field owned by joint occupancy, and leave the same open, thereby exposing the crops or property of others, shall be deemed guilty of a trespass, and on conviction thereof, shall pay a fine of not less than five dollars, and all damages thereby sustained.

Sec. 6. Any person, who shall cut down, injure, or carry away any timber, wood, tree, grass, grain, roots, plants, or fruit, placed or growing for use, ornament, or shade, on land not his own, in which he has no interest, or shall dig stone, mineral, coal, ore, or clay thereon, or drive a team over the same, without the consent of the owner thereof, shall, on conviction thereof, pay four times the value of the injury done to the owner of the land.

Sec. 7. Each precinct in this State shall, at the time of election, elect two or more fence-viewers, whose term of office shall be the same as a justice of the peace, whose duty it shall be to examine and decide upon the legality of all fence in their respective precincts, when called upon, and see that the above law is faithfully executed.

Sec. 8. This ordinance shall be in force from and after the first day of May next.

JEDEDIAH M. GRANT,  
Speaker of the House of Representatives.  
HEBER C. KIMBALL,  
Speaker of the Senate.

Approved, Feb. 12, 1851, BRIGHAM YOUNG, Gov.  
THOMAS BULLOCK, Clerk.

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AN ORDINANCE, granting Block No. 102, in Great Salt Lake City, to the State of Deseret, for the purpose of erecting a State House upon it. Passed, Feb. 10, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that the Public Square, on Block No. 102, in Great Salt Lake City, called Union Square, is hereby set apart, granted, and appropriated to the State of Deseret, for the purpose of having a suitable State House and State Offices erected upon it, for the convenience of the Legislature, and the State officers.

JEDEDIAH M. GRANT,  
Speaker of the House of Representatives.

HEBER C. KIMBALL,  
Speaker of the Senate.

Approved, Feb. 12, 1851, BRIGHAM YOUNG, Gov.

THOMAS BULLOCK, Clerk.

AN ORDINANCE, regulating the Manufacturing and Vending of Ardent Spirits. Passed, Feb. 10, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that it shall not be lawful for any person or persons in this State, to establish any distillery or distilleries, for the manufacture of ardent spirits, except as hereafter provided for; and any person or persons, who shall violate this ordinance, on conviction thereof, shall forfeit all property thus invested to the State, and be liable to a fine at the discretion of the court having jurisdiction.

Sec. 2. Be it further ordained, that when the governor shall deem it expedient to have ardent spirits manufactured within this State, he may grant a license to some person or persons, to make and vend the same, and impose such restrictions thereon as he may deem requisite.

JEDEDIAH M. GRANT,  
Speaker of the House of Representatives.

HEBER C. KIMBALL,  
Speaker of the Senate.

Approved, Feb. 12, 1851. BRIGHAM YOUNG, Gov.

THOMAS BULLOCK, Clerk.



AN ORDINANCE, in reference to Vagrants. Passed, February 10, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that any person residing within the limits of this State, who has no visible means of support, shall be deemed a vagrant.

Sec. 2. Be it further ordained, that upon complaint on oath being made and filed with any justice of the peace, that there is within the county wherein such justice resides, any person who is engaged in no useful employment, and has apparently no manner of support, it shall be the duty of such justice forthwith to issue a warrant, to bring such delinquent before him.

Sec. 3. Be it further ordained, that upon the return of such warrant with the defendant therein named in court, said complaint shall be distinctly read to such defendant, when he shall be required to answer the same on oath; and the justice shall enquire into the truth of such complaint in a summary manner.

Sec. 4. Be it further ordained, that if the justice find on such investigation that such complaint be true, he shall record the same in his docket, and thereupon enter judgment declaring such delinquent a vagrant.

Sec. 5. Be it further ordained, that any person convicted as aforesaid, shall be compelled to labor on the public works a sufficient length of time to pay the cost of prosecution; provided, the same be not less than twenty days.

Sec. 6. And be it further ordained, that it shall be the duty of every officer of State, in this State, to report to the magistrate of their respective precincts, any person whom they may have good reason to suspect as being a vagrant under this ordinance.

Sec. 7. The foregoing ordinance shall apply to all loafers who hang about the corners of streets, court houses, or any other pub-

lic place, who have no business, whether they have property or not.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Feb. 12, 1851, BRIGHAM YOUNG, Gov.

THOMAS BULLOCK, Clerk.

AN ORDINANCE, to suppress Gaming. Passed, Feb. 24, 1851.

Sec. 1. Be it ordained by the General Assembly of the State of Deseret, that if any person or persons shall be engaged in gaming or sporting for money or other property; which may be put at stake and won, by horse-racing, cock-fighting, dog-fighting, card-playing, or any other means by which the game may be tested and property won, such person or persons shall be guilty of a misdemeanor, and upon conviction thereof, shall pay over to the court having cognisance of the same, all such property so employed in the game or sport; and all bets, staked and won, to be disposed of for the benefit of the county, and such person shall be subject to a fine at the discretion of the court.

JEDEDIAH M. GRANT,

Speaker of the House of Representatives.

HEBER C. KIMBALL,

Speaker of the Senate.

Approved, Feb. 24, 1851, BRIGHAM YOUNG, Gov.

THOMAS BULLOCK, Clerk.



STATE OF DESERET,

Secretary's Office. } SS.

I, Willard Richards, Secretary of the Provisional Government of the State of Deseret, certify, that the foregoing is a true copy, of ordinances on file in my office.

In Witness whereof, I have hereunto set my hand, and seat of state, at Great Salt Lake City, state aforesaid, this 27 day of February, in the year of our Lord eighteen hundred and fifty one; and of the Independence of the United States of America, the seventy-fifth.

WILLARD RICHARDS,  
Secretary of State.

J. EDWARD M. GRANT,

Speaker of the House of Representatives.

HERBERT C. KIMBALL,

Speaker of the Senate.

J. EDWARD M. GRANT,

Speaker of the House of Representatives.