

CRAGIN'S BILL

Mr. Cragin's Bill, of which we have heard by telegraph, and which he obtained leave to bring into the Senate, has come to hand. It differs from what is known as Wade's Bill in some particulars, and contains several sections more than that Bill. It has more odious and detestable features than even Wade's. With the exception that it does not inflict the death penalty, no edict more thoroughly hateful and oppressive was ever concocted against the Hebrew children by Nebuchadnezzar or the followers of Jesus by Nero or any other persecutor of the Christians.

We are only able to publish a portion of it to-day, and exclude our editorial article to give it all the space we can; but when our readers see the full Bill, they will be astonished at its atrocity, and wonder how any man, claiming to be an American, could so far forget where he was and the atmosphere he breathed as to introduce such a Bill into the United States Senate.

We shall have something more to say about it; for it deserves to be held up to public execration.

The Bill is as follows. It was read twice, referred to the Committee on Territories, and ordered to be printed:

A BILL

TO REGULATE THE SELECTION OF GRAND AND PETIT JURORS IN THE TERRITORY OF UTAH, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That citizens only of the United States shall be competent to serve as grand or petit jurors in the Territory of Utah.

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

SEC. 3. And be it further enacted, That it shall be the duty of the United States marshal, in person or by his deputies, to attend all the courts held by the United States justices or judges in said Territory, and to serve and execute all process and orders issued or directed by said courts or by the judges thereof.

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

SEC. 5. And be it further enacted, That the probate judges shall be appointed by the governor, and their term of office shall be four years, and in all cases a party to any suit or proceeding, before a justice of the peace or the probate court, feeling himself aggrieved by the judgment or decision of the justice of the peace, or by the judgment or decision of the probate court, may appeal from such judgment or decision to the district court of the district in which the proceedings before the justice or probate court are had. And in all cases of appeal from one court to another where a bond or other security is now required to be given by the party appealing, it shall not be lawful to demand or exact of such party the payment of costs adjudged or taxed against him until the appeal shall be finally disposed of by the appellate court.

SEC. 6. And be it further enacted, That the Supreme Court of said Territory may make rules and regulations as

to the mode and manner of taking and perfecting appeals from one court to another in said Territory, so that the just rights of the parties may be secured and preserved.

SEC. 7. And be it further enacted, That in all cases of election by ballot it shall be unlawful for any person to put any number, mark, figure, or device upon such ballot, whereby any person may be enabled to ascertain by whom the ballot was given; and any violation or attempt to violate this provision shall be deemed a crime, and upon conviction thereof before a court having jurisdiction, the person offending may be punished by fine not exceeding five hundred dollars or by imprisonment in the penitentiary not exceeding six months, or by both such fine and imprisonment, at the discretion of the court. And at all elections none but male citizens of the United States, over twenty-one years of age, residing in the precinct or election district, and not disqualified by the conviction of some crime, shall be competent voters.

SEC. 8. And be it further enacted, That property of no person, corporation, or association shall be exempt from taxation, and all assessments shall be equal according to the cash value of the property. Provided, That the real estate of any religious society, corporation, or association, to an amount not exceeding twenty thousand dollars, and all lots or parcels of ground, used exclusively as burial places or depositories of the dead, may be exempted from taxation; but this exemption shall be applied equally and without discrimination to every kind and description of sects and denominations of worshippers, and not otherwise.

SEC. 9. And be it further enacted, That in all suits or proceedings at law or in equity, wherein the United States are neither a party nor interested, the fees of the officers of the court may be taxed against and collected of the proper parties under the direction of the court, and the collection thereof enforced by execution or attachment.

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

SEC. 11. And be it further enacted, That the militia of said Territory shall be organized and disciplined in such manner and at such times as the governor of said Territory shall direct. And all the officers thereof shall be appointed and commissioned by the governor. As commander-in-chief the governor shall make rules and regulations for the enrolling and mustering of the militia, and he shall yearly, between the first and last days of October, report to the Secretary of War the number of men enrolled and their condition, the state of discipline, and the number and description of arms belonging to each company, division, or organized body. Aliens shall not be enrolled and mustered into the militia.

SEC. 12. And be it further enacted, That marriages in said Territory may be solemnized only by justices of the supreme court, or by justices of the peace duly elected and qualified in their proper townships or precincts, or by any priest or minister of the gospel regularly ordained and settled or established as such in said Territory, between parties competent to enter into the marriage contract. And the person solemnizing such marriage shall sign and deliver to the husband and the wife a certificate thereof, wherein shall be set forth the names, the ages, and places of residence of the parties, and the place and date of such solemnization, together with the names of witnesses, not less than two, present at such solemnization; which certificate may be recorded in the office of the proper register of the county, and the register shall be entitled to the same rate of fees for recording such certificates as is allowed for recording deeds of land; and such certificates, or a certified copy of the record, shall be evidence in any court of the facts therein set forth, as above required. All such registers shall henceforth be appointed by the governor of said Territory; and be subject to be removed from office by him. Marriage, so far as its validity in law is concerned in said Territory is,

hereby declared a civil contract, to which the consent of parties, capable in law of contracting, is essential. No man, a resident of said Territory, shall marry his mother, his grandmother, daughter, grand-daughter, step-mother, grandfather's wife, son's wife, grandson's wife, wife's mother, wife's grandmother, wife's daughter, wife's grand-daughter, nor his sister, his half-sister, brother's daughter, sister's daughter, father's sister, or mother's sister. No woman shall marry her father, grandfather, son, grand-son, step-father, grand-mother's husband, or daughter's husband, grand-daughter's husband, husband's father, husband's grand-father, husband's son, husband's grand-son, nor her brother, half brother, brother's son, sister's son, father's brother, or mother's brother. No marriage shall be contracted whilst either of the parties has a former wife or husband living in the United States or elsewhere, unless the marriage with such former wife or husband shall have been dissolved. All persons being within the degrees of consanguinity within which marriages are herein prohibited to residents of said Territory, and declared to be incestuous and void, who shall intermarry with each other, or who shall commit adultery or fornication with each other, shall be punished by imprisonment at hard labor in the Penitentiary of the Territory not more than fifteen years nor less than six months.

SEC. 13. And be it further enacted, That if any officer herein authorized to solemnize marriage shall knowingly and wilfully solemnize a marriage between parties either of whom is disqualified to enter into the marriage contract, he shall be deemed guilty of a misdemeanor, and upon conviction thereof before a court having competent jurisdiction, he shall pay a fine of not less than one hundred dollars nor more than five hundred dollars, and stand committed until the fine shall be paid. And if any person shall presume to solemnize a marriage in said Territory who is not by this act authorized so to do, he shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine not exceeding five hundred nor less than one hundred dollars, or by imprisonment in the penitentiary not exceeding six months nor less than one month, or by both such fine and imprisonment, at the discretion of the court.

SEC. 14. And be it further enacted, That if any man in said Territory of Utah shall claim and pretend to have the right to the society or the services of any woman not lawfully married to him, by reason of her having been sealed, devoted, or consecrated to him by any ceremony, rite, consecration, sacrament, form, order, decree, sentence, vote, or direction of the so-called Mormon church, or of any prophet, president, bishop, priest, or other officer or functionary of said church, or of any member thereof, whether with or without the consent of such woman, and shall cohabit with such woman, he shall be deemed guilty of a crime, and shall, upon conviction thereof before any court of competent jurisdiction be punished by a fine of not more than ten thousand nor less than five hundred dollars, or by imprisonment at hard labor in the penitentiary of said Territory not more than five years nor less than three months, or by both such fine and imprisonment, at the discretion of the court; and in all such cases such woman shall be deemed a competent witness on the trial of the offender.

SEC. 15. And be it further enacted, That all children, the fruit of any such pretended sealing or spiritual marriage as aforesaid, hereafter born in said Territory, shall be deemed and held to be the heirs of their mother, but not of their father; and it shall be lawful for any woman in said Territory, claimed as such spiritual wife of any man, but not married to him according to law, to sue for and recover from him compensation for her labor and services while such his spiritual wife in an action of assumpsit, without any deduction under pretence of support and maintenance of her by him during the period of such spiritual marriage, and also to sue for and recover any real estate, money, or other personal property, given, granted, or conveyed by her since the passage of the act of eighteen hundred and sixty-two, entitled "An act to punish and prevent the practice of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the legislative assembly of the Territory of Utah," to any person or body politic as a voluntary gift, donation, or contribution to said pretended Mormon church, or for its benefit, directly or indirectly; and any woman in

said Territory not lawfully married but who at any time has been in the relation of such spiritual marriage above mentioned, shall in all courts and places be deemed a female sole.

SEC. 16. And be it further enacted, That every person, male or female, who shall knowingly and willingly aid and assist in, or be present at, the ceremony or rite of Mormonism known as such sealing or spiritual marriage, with intent to countenance, encourage, and give effect to the same, shall be deemed guilty of a crime, and, on conviction thereof before a court of competent jurisdiction, shall be punished as last aforesaid; and the person or persons celebrating or solemnizing such rite, or performing such ceremony, shall be punished as last aforesaid, and by a fine of at least one thousand dollars each, and imprisonment at hard labor in such penitentiary for at least two years. And if any person shall publicly or privately counsel, advise, or persuade any man or woman to commit the crime of polygamy, made punishable by the act of Congress of eighteen hundred and sixty-two, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars, or imprisoned at the discretion of the court for a term not exceeding twelve months. And it shall be the duty of the district judges of said Territory, at the commencement of each term of the court sitting for criminal business, to give in special charge to the grand jury so much of this act as relates to polygamy and marriage.

SEC. 17. And be it further enacted, That property, real and personal, in said Territory of Utah, not disposed of by last will and testament, shall, upon the death of the owner thereof, descend, subject to his lawful debts, as follows:

First. In equal shares to his children, born in lawful wedlock, and to the issue of any such child deceased, by right of representation; and if there be no such child of the intestate living at his death, his estate shall descend to all his other lineal descendants, and if all the said descendants are in the same degree of kindred to the intestate, they shall share the estate equally; otherwise, they shall take according to the right of representation.

Second. If he shall leave no issue, his estate shall descend to his widow during her natural lifetime, and after her decease, to his father; and if he shall leave no issue nor widow, his estate shall descend to his father.

Third. If he shall leave no issue, nor widow, nor father, his estate shall descend in equal shares to his brothers and sisters, and to the children of any deceased brother or sister, by right of representation. Provided, If he shall have a mother also, she shall take an equal share with his brothers and sisters.

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

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

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

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

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

Ninth. If the intestate shall leave no