

WILSON'S ANTI-MORMON BILL.

IN THE
HOUSE OF REPRESENTATIVES,
DECEMBER 15, 1873.

Read twice, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. Jeremiah M. Wilson, on leave, introduced the following bill:

A BILL

IN AID OF THE EXECUTION OF THE LAWS 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 the United States marshal of said Territory may appoint deputies in each of the judicial districts of said Territory. Said deputies shall be authorized to enter upon the discharge of their duties upon the approval of such appointment by the judge of the district court of the district for which each is appointed; and said deputies must take and subscribe the same oath prescribed by law to be taken by the marshal, and give bond, with good and sufficient sureties, to said marshal in the penal sum of ten thousand dollars, conditioned for the faithful discharge of their duties as such deputy; and said appointment, approval, oath, and bond shall be entered upon the records of said court.

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

SEC. 3. That the United States district attorney of said Territory may also appoint an assistant in each of the judicial districts of said Territory: *Provided*, That before any such assistant shall enter upon the discharge of his duties his appointment must be approved by the presiding judge of the district court of the district for which such appointment is made, and said assistant must take and subscribe to the same oath prescribed by law to be taken by the district attorney; and said appointment, approval, and oath shall be entered upon the records of said courts. Such assistants shall receive the same fees and emoluments as the district attorney would have been entitled to for the same service.

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

SEC. 5. That only citizens of the United States, over the age of twenty-one years, shall be competent to serve as grand or petit jurors in said Territory.

SEC. 6. That the grand jury of said Territory shall consist of good and lawful men, of whom concurring may find and return a bill of indictment.

SEC. 7. That whenever a district judge of said Territory shall determine that a grand or petit jury will be needed at a term of his court, the said judge and the United States marshal shall make a list in writing of one hundred male citizens of the United States residing in the district in which the court is to be held, and shall affix thereto their certificate to the effect that the same is the list from which the grand and petit jurors are to be drawn for the ensuing term of the court and shall cause the same to be filed in the office of the clerk of said court, and whenever the judge shall order the clerk to issue a venire, the clerk, in the presence of the judge, the marshal, or his deputies, shall write the names contained in the said list, each on a separate slip of paper, all the slips being of the same size and kind, and shall fold them uniformly so that the name written thereon shall be concealed, shall then place them in a covered box and thoroughly mingle them, and shall then draw therefrom the requisite number of names. If a grand jury be required, it shall be drawn first. Both grand and petit juries thus drawn shall consist of the same number of men as are required in the circuit and district courts of the United States. The clerk shall make a list in writing of the names of the persons constituting each panel so drawn, and the judge,

clerk, and marshal, or his deputy, shall affix thereto their certificates of the time and place of such drawing, and file the same in the office of said clerk, who shall forthwith issue a venire to the said marshal, commanding him to summon the men so drawn to attend and serve as such jurors at the time and place previously designated by the said judge, and such jurors shall constitute the regular panel for such term of the court for all cases, whether arising under the laws of the United States or under the laws of said Territory. If at any time talesmen shall be required, their names may be drawn from the said box by the clerk in open court, or they may be summoned from the bystanders, or from the vicinage, as the presiding judge shall direct. No challenge shall be allowed on the ground that a juror had been summoned or had served at a previous term of court. Each party, whether in civil or criminal cases, shall be allowed six peremptory challenges. In criminal cases the court and not the jury shall pronounce the punishment under the limitations prescribed by law.

SEC. 8. That in all suits or proceedings at law or in equity where in the United States are neither a party nor interested, costs may be taxed against and collected of the proper parties, under the direction of the court, or of the clerk thereof, and the collection thereof enforced by execution or attachment against the property of the party. The fees of the jury shall be advanced by the winning party, but may be recovered back as part of the costs in the case.

SEC. 9. That the United States attorney, United States marshal, and each grand and petit juror, shall receive for his services in criminal cases or proceedings arising under the laws of the Territory, the same fees or compensation as are allowed for like services in criminal cases or proceedings arising under the laws of the United States, and such fees or compensation being fixed by the court or judge before whom the services are rendered, or, in case of the attorney and marshal, by the supreme court of the Territory, shall be paid to the said attorneys, marshal, and jurors respectively from the territorial treasury on the thirtieth day of June and thirty-first day of December in each year; and if the territorial legislature shall fail to provide by law for the payment of said fees and compensation, then the same shall be paid out of the money appropriated by Congress for the compensation of members of the territorial legislature.

SEC. 10. That whenever marriage in said Territory of Utah rests solely on the contract of the parties followed by cohabitation, there being no form, manner or ceremony prescribed therefor by the laws of said territory, or requiring any record, certificate or publication of the same, in such case in all prosecutions for bigamy, polygamy, or adultery, it shall not be necessary to prove either the first or subsequent marriage by the registration, or certificate thereof, or other recorded evidence, but the same may be proved by such evidence as is admissible to prove a marriage in other cases, and proof of cohabitation by the accused with more than one woman as husband and wife, his declaration or admission that such women are his wives, his acts recognizing, acknowledging, introducing, treating, or deporting himself towards them as such, shall be admissible as evidence.

SEC. 11. That in all cases or proceedings when imprisonment may be ordered, if there be no jail or prison in which the person to be imprisoned can with safety be kept, the court or judge may order such person to be confined in any military prison or camp of the United States in said Territory, and the officer or person in command of such prison or camp is hereby authorized and required, on the order of the court or judge, to receive and safely keep such person until he shall be lawfully discharged from custody.

SEC. 12. That if the United States marshal, or any of his deputies, shall be resisted or threatened with resistance, in the execution of any writ, order, process, judgment, or decree of any court or judge of said Territory, said marshal or either of his deputies, may, if, in his judgment assistance is necessary, apply to the commander or person in charge of any military camp or post of the United States in said Territory, or to any one having charge of troops of the United

States therein, for a posse to aid such officer, and upon such application being made, the commander or person in charge of such military camp, post, or troops is hereby authorized to detail a sufficient number of men to enforce the writ or other process, whatever it may be, which is being, or is threatened to be resisted; and said marshal, or either of his deputies, may make application for such assistance when necessary to suppress any mob, riot, or other disturbance of the peace.

SEC. 13. That it shall be the duty of the governor of said Territory, so often as shall appear necessary, to inspect, or cause to be inspected, the jails or other prisons in said Territory, and the manner prisoners are held, treated, and imprisoned therein; and the governor shall make rules for the regulation and government of said jails and prisons; and he is hereby empowered to remove the wardens and keepers of all jails and prisons or other officers connected therewith, and appoint others in their stead, as often as, in his opinion, the public good shall require.

SEC. 14. That no alien living in or practicing bigamy or polygamy shall be admitted to citizenship of the United States.

SEC. 15. That in the absence, or in case of sickness or disability, of any of the judges of said Territory, or for any cause whatever which renders it necessary, it shall be competent for either of the judges to hold court in any of the judicial districts of said Territory; and it is hereby made the duty of said judges, upon the request or direction of the executive of said Territory in writing, setting forth the reason and necessity of such request or direction, to proceed to the district designated and hold the terms of the court therein until such necessity shall cease.

SEC. 16. That the probate judges, justices of the peace, judges at all elections, notaries public, and sheriffs in said Territory shall be appointed by the governor, be subject to removal by him, and shall hold their offices for the term prescribed by law, or until their successors are appointed and qualified.

SEC. 17. That an appeal by any party aggrieved shall be allowed from all final decisions, orders, judgments, or decrees of all inferior courts in said Territory to the district court of the proper district; and in correction of the proceedings of such inferior courts of said Territory, and to prevent and correct abuses by the same, the district courts of said Territory are hereby authorized to issue writs of error, certiorari, mandamus, injunction, prohibition, and quo warrant; and in all cases of appeal from one court to another, where a bona-fide or other security is 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; and 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, and the security, if any, to be given in such appeals, so that the just rights of the parties may be secured and preserved.

SEC. 18. That in all cases of election by ballot it shall be unlawful for any person to put any number, figure, or device upon said 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 and taken to be a felony; and, upon conviction thereof, the person so offending may be punished by a fine not exceeding five hundred dollars, or by imprisonment in the penitentiary not exceeding one year, 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 conviction of crime, shall be competent voters.

SEC. 19. That the probate courts in their respective counties in said Territory are hereby authorized to hear, try and determine civil causes wherein the debt or damages claimed do not exceed one hundred dollars; but shall not exercise any criminal jurisdiction; and the twenty-ninth section of the act of the territorial legislature of Utah conferring general and unlimited jurisdiction on the probate courts both in civil and criminal cases, entitled, "An act in relation to the judiciary," approved January nineteenth, eighteen hundred and fifty-two; also, the second section of the act entitled, "An act for the regulation of attorneys," approved February eighteenth, eighteen hundred and fifty-two; and also, the act entitled, "An act containing provisions applicable to the laws of Utah," approved January fourteenth, eighteen hundred and fifty-four, be, and the same are, hereby disapproved and repealed.

SEC. 20. That the district courts of said Territory shall have exclusive original jurisdiction in all suits for divorces or alimony.

SEC. 21. That all laws and parts of laws of Utah Territory which in any way interfere with the primary disposal of the soil, or the possession thereof of the United States, are hereby disapproved and annulled.

SEC. 22. That if any person not qualified to vote shall vote, or offer to vote, at any election, or if any qualified voter shall cast, or offer to cast, at any election more than one vote for the same officer or officers, he shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any court having jurisdiction, be punished by a fine not exceeding five hundred dollars, or by imprisonment in the penitentiary not exceeding one year, or by both such fine and imprisonment, at the discretion of the court.

SEC. 23. That this act shall take effect from and after its passage, and all acts and parts of acts of the United States or of the legislature of Utah, so far as the same are inconsistent herewith, are hereby repealed and disapproved.

SEC. 24. That the time limited in the third section of the act of the Legislative Assembly of Utah, entitled, "An act prescribing rules and regulations for the execution of the trust created under an act

of Congress, entitled 'An act for the relief of inhabitants of cities and towns on the public lands,' approved March, eighteen hundred and sixty-seven," approved February seventeenth, eighteen hundred and sixty-nine, in which the rightful owners or claimants of lands within cities and towns of said Territory are required to file the statement prescribed by said act, shall not apply to persons who, at the expiration of said limitation, were either infants, female convicts, insane, or in prison, but such persons shall have one year after the removal of their disability in which to file said statement.

SEC. 25. That the common law of England in force in the colonies of America at the date of the Declaration of Independence is hereby extended over, and declared to be in force, in the Territories of the United States, so far as the same is applicable: *Provided*, That nothing herein shall be construed to prevent the territorial legislatures of the respective Territories from modifying the same, or pass codes of civil procedure: *And be it further provided*, That the act of the territorial legislature of Utah, entitled, "An act limiting the time of commencing civil actions," approved February sixteenth, eighteen hundred and seventy-two, is hereby disapproved.

SEC. 26. That section three of the act entitled, "An act concerning the property rights of married persons," passed by the legislative assembly of Utah, approved February sixteenth, eighteen hundred and seventy-two, is hereby disapproved.

"The Japanese," says an exchange, "make paper boots which will wear six months." Well, what of it! The Yankees make leather boots that will wear nearly one month.

Correspondence.

SERICULTURE—THE LATEST NEWS FROM FRANCE.

SALT LAKE CITY,
Dec. 22, 1873.

Editor Deseret News:

Five months ago I sent to *Le Moniteur des Soies*, the most influential silk journal in France, a very lengthy communication on my experience in the silk business on this continent. After reading my publication, a lady of Lyons, who is extensively engaged in sericulture, wrote to me for a few small samples of our domestic silkworm eggs. I forwarded immediately to her address five samples of eggs of the last crop, namely, one raised by Pres't Brigham Young's daughters, another raised by Mr. Paul Cardon, of Logan, the third by Mrs. Mary Carter, of Bountiful, the fourth by Mrs. Patten, of Little Cottonwood, and the last by Mrs. Taylor, of this city. These eggs, having been examined with a powerful microscope, were pronounced by competent judges very fine; but under the pretext that the quality of the Utah eggs was unknown in the French market, my new correspondent offered to me only two dollars per ounce for them. After consulting with my best friends on the matter, I have concluded not to accept this low price, and I shall therefore ship, to the address of the chief editor of *Le Moniteur des Soies*, all the eggs of the last crop, authorizing him to dispose of them to the best interest of our silk growers. I believe that this gentleman is well qualified to obtain the highest price possible for Utah eggs in the French market.

In reference to the two hundred and seven (207) ounces of our domestic eggs which were sent by me last winter to my former French correspondent, I have lost hope of receiving any return for them. I myself have lost a considerable sum of money by purchasing, beforehand, several lots of those eggs. Here are the latest authentic particulars I have received from the chief editor of *Le Moniteur des Soies* on this painful subject: Mr. Jules Rien, a silk grower of Valreais, in the south of France, the name of my former correspondent, died three years since. His wife, fraudulently using the name of her late husband, has obtained from several American silk culturists, under false pretences, many shipments of their eggs. I have, myself, in this way, been one of the numerous victims of this mean and despicable woman. Now she is utterly unable to meet her engagements, in fact, she is insolvent. Hence a vast amount of painful anxiety in my mind, owing to the impossibility of reimbursing my friends and home correspondents for the sale of their eggs.

For the truth of the above statements all my friends who, like myself, have suffered through this woman's dishonesty, are respectfully referred to Mr. Paul A. Schettler, Salt Lake City Treasurer, who, being a French scholar, reads all my letters from France, and who also himself keeps up a correspondence with an important German silk-house of Florence in Italy.

Very truly,
LOUIS A. BERTRAND.

PURE OLIVE OIL—WARRANTED TO KEEP FRESH FIVE YEARS.

SALT LAKE CITY, Dec. 23, 1873.

Editor Deseret News:

It is a well known fact that the olive oil which is usually sold in our city is but a compound of various ingredients, of which melted lard constitutes the chief part. Hence the impossibility for our sick brethren, when they are administered to by the Elders, to swallow such nauseous stuff. This so-called olive oil is manufactured at Chicago and at Cincinnati.

When the Elders of the primitive church were commanded by our Savior and by his apostles to anoint the sick with oil, pork being forbidden food by the law of Moses, this consecrated oil was unquestionably pure olive oil.

Struck with this idea, I have imported directly from France several cases of olive oil especially designed for the anointing of the sick. In purity and superior qualities this oil can not be equalled on this continent; it is, in a word, the genuine article.

I was born in a district of southern France which produces the very best olive oil in the world. My father was a manufacturer of olive oil, and I do profess to be a competent judge of this article. My native place was Marseilles, the greatest oil market in the world.

The district of Aix produces the celebrated virgin olive oil, which is exclusively used in the first-class hotels and restaurants of Europe. A few words on this subject will prove, I think, acceptable to your numerous readers.

The method of obtaining the very finest quality known to European commerce is a modern one; it is simply an improved process exclusively used by the manufacturers of Aix. The virgin oil is expressed with great care from half-ripe fruit immediately after being gathered, and before the slightest fermentation has taken place. This virgin oil is most emphatically the first oil flowing from the press.

An inferior article is obtained by mixing boiling water with the expressed olives. And this coarse article is imported in casks by the Chicago and Cincinnati manufacturers to impart a bit of sweet taste to their melted lard. Hence the cheapness of their so-styled olive oil—a nasty stuff, only fit to grease our boots.

LOUIS A. BERTRAND.

BIG POTATOE YIELD.

Editor Deseret News:

SIR—I saw an account in the NEWS of Nov. 19th, of a very large crop of potatoes by Bro. Steel, which seems too big to me altogether, being at the rate of 3,500 bushels to the acre, that is, over one hundred tons. That beats the man who raised ninety-eight tons of cabbage to the acre. Bro. Steel says he had one pound of potatoes which he cut into sixty-three sets, about a quarter of an ounce to each set, which seems very small; one would think they could not grow. But taking it for granted that it is so, we will figure it up. He says he put the hills twenty-two inches apart, each way, which for sixty-three sets take 212 square feet within a fraction, but we will call it 212 feet, from which he raised 350 pounds, or six bushels, minus ten pounds. Now if 272 square feet make one square rod, it follows that 43,560 feet make an acre, and the product will be 1,198 bushels and thirty-five pounds, or nearly thirty-six tons. But Bro. Steel calculates on ten bushels of seed to the acre, while according to his planting, it will take only 205 pounds or three bushels and twenty-five pounds. I can't see that, by planting three times as much seed, he will get three times as big a crop. Now if Bro. Steel will make a present of a bushel, or even a peck, of his new potatoes, for correcting him, we will call it square, and by so doing he will very much oblige,

J. BOLLWINKEL.

S. L. City, Dec. 23, 1873.

—Willie Collins says, "Show me a man who calls adultery nasty and I will show you a puritanic prude." Well, what does Willie Collins think adultery is? Does he think it very nice?

—About the pithiest specimen of correspondence extant is that which passed between Foote's mother and Foote:—"Dear Sam—I'm in prison. Yours E. Foote." The old lady was under arrest for debt. The son's answer was:—"Dear mother—So am I. Yours, S. Foote."