
IN THE SENATE OF THE UNITED STATES.

APRIL 5, 1860.

Read twice and referred to the Committee on the Judiciary.

JUNE 13, 1860.

Reported by Mr. BAYARD with amendments, viz: Strike out the part within [brackets,] and insert the words printed in *italics*.

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled*
3 [That if any person or persons being married, shall, during
4 the life of the former husband or wife, marry another person
5 in any Territory of the United States, or other place, except
6 the District of Columbia, over which the United States
7 possess exclusive jurisdiction, or, if the marriage with such
8 other person take place elsewhere, shall thereafter live or
9 cohabit with such other person in such Territory, or other
10 place, over which the United States possess exclusive juris-

11 diction, the former husband or wife being alive, he, she, or
 12 they so offending, shall, on conviction thereof, pay a fine
 13 not exceeding five hundred dollars, and be imprisoned not
 14 less than two years nor more than five years: *Provided,*
 15 *nevertheless,* That this section, or anything therein contained,
 16 shall not extend to any person or persons whose husband
 17 or wife shall absent him or herself, one from the other, for
 18 the space of five years, the one of them not knowing the
 19 other to be living within that time, nor to any person or
 20 persons who shall be, at the time of such marriage, divorced
 21 by competent authority, or to any person or persons whose
 22 former marriage, by sentence of competent authority, shall
 23 have been declared void.]

3 *That every person having a husband or wife living, who shall*
 4 *marry any other person, whether married or single, in a Ter-*
 5 *ritory of the United States, or other place over which the*
 6 *United States have exclusive jurisdiction, shall, except in the*
 7 *cases specified in the proviso to this section, be adjudged*
 8 *guilty of bigamy, and, upon conviction thereof, shall be pun-*
 9 *ished by a fine not exceeding five hundred dollars, and by*
 10 *imprisonment for a term not exceeding five years: Provided,*
 11 *nevertheless, That this section shall not extend to any person*
 12 *by reason of any former marriage, whose husband or wife,*
 13 *by such marriage, shall have been absent for five successive*
 14 *years, without being known to such person, within that time*

15 *to be living; nor to any person by reason of any former*
16 *marriage, which shall have been dissolved by the decree of a*
17 *competent court; nor to any person, by reason of any former*
18 *marriage, which shall have been annulled or pronounced void*
19 *by the sentence or decree of a competent court, on the ground*
20 *of the nullity of the marriage contract.*

1 SEC. 2. *And be it further enacted, That the following*
2 *ordinance of the provisional government of the State of*
3 *Deseret, so called, namely: "An ordinance incorporating*
4 *the Church of Jesus Christ of Latter Day Saints," passed*
5 *February eight, in the year eighteen hundred and fifty-one,*
6 *and adopted, re-enacted, and made valid by the governor*
7 *and legislative assembly of the Territory of Utah, by an act*
8 *passed January nineteen, in the year eighteen hundred and*
9 *fifty-five, entitled "An act in relation to the compila-*
10 *tion and revision of the laws and resolutions in force in*
11 *Utah Territory, their publication, and distribution," and all*
12 *other acts and parts of acts heretofore passed by the said*
13 *legislative assembly of the Territory of Utah, which estab-*
14 *lish, support, maintain, shield, or countenance polygamy,*
15 *be, and the same hereby are, disapproved and annulled:*
16 *Provided, That this act shall be so limited and construed*
17 *as not to affect or interfere with the right of property legally*
18 *acquired under the ordinance heretofore mentioned, nor*
19 *with the right "to worship God according to the dictates*

20 of conscience," but only to annul all acts and laws which
21 establish, maintain, protect, or countenance the practice of
22 polygamy, evasively called spiritual marriage, however dis-
23 guised by legal or ecclesiastical solemnities, sacraments,
24 ceremonies, consecrations, or other contrivances.

1 SEC. 3. *And be it further enacted, That it shall not be*
2 *lawful for any corporation or association for religious or*
3 *charitable purposes, to acquire or hold real estate in any*
4 *Territory of the United States during the existence of the*
5 *territorial government, of a greater value than one hundred*
6 *thousand dollars, and all real estate acquired, or held by any*
7 *such corporation or association contrary to the provisions of*
8 *this act, shall be forfeited and escheat to the United States :*
9 *Provided, That existing vested rights in real estate shall not*
10 *be impaired by the provisions of this section.*

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