

IN THE HOUSE OF REPRESENTATIVES.

JANUARY 22, 1872.

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

Mr. SARGENT, on leave, introduced the following bill :

A BILL

To suppress polygamy, and to enable the people of Utah to form a constitution and State government.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the inhabitants of that portion of the Territories of
4 Utah, Idaho, and Wyoming included in the boundaries
5 hereinafter designated be, and they are hereby, authorized
6 to form for themselves, out of said territory, a State govern-
7 ment, which said State, when formed, shall be admitted
8 into the Union upon an equal footing with the original
9 States in all respects whatsoever.

1 SEC. 2. That the said State shall consist of all the terri-
2 tory included within the following boundaries, to wit: Com-
3 mencing at a point formed by the intersection of the thirty-

4 second degree of longitude west from Washington with the
5 forty-third degree of north latitude; thence due west along
6 said forty-third degree of north latitude to the intersection
7 of the thirty-seventh degree of longitude west from Wash-
8 ington with said forty-third degree of north latitude; thence
9 due south along said thirty-seventh degree of longitude west
10 from Washington to the intersection of the thirty-seventh
11 degree of north latitude; thence due east along said thirty-
12 seventh degree of north latitude to the intersection of the
13 thirty-second degree of longitude west from Washington;
14 thence due north along said thirty-second degree of west
15 longitude to the place of beginning.

1 SEC. 3. That all persons qualified by law to vote for rep-
2 resentatives to the general assembly of said Territory of Utah
3 at the date of the passage of this act shall be qualified to be
4 elected, and they are authorized to vote for and choose repre-
5 sentatives to form a convention, under such rules and regula-
6 tions as the governor of said Territory may prescribe; and
7 also to vote upon the acceptance or rejection of such constitu-
8 tion as may be formed by said convention, under such rules
9 and regulations as the said convention may prescribe; and the
10 aforesaid representatives to form the aforesaid convention
11 shall be apportioned among the several counties in said Ter-
12 ritory, in proportion to the population, as near as may be;
13 and said apportionment shall be made for said Territory by

14 the governor, president of the council, and speaker of the
15 house of representatives thereof, or any two of them; and
16 the governor of said Territory shall, by proclamation, on or
17 before the first Monday of May next, order an election of the
18 representatives as aforesaid to be held on the first Monday in
19 June thereafter, throughout the Territory, and such election
20 shall be conducted in the same manner as is prescribed by the
21 laws of said Territory of Utah regulating elections therein for
22 members of the house of representatives, and the number of
23 members to said convention shall be double the number which
24 now constitute both branches of the legislature of Utah Ter-
25 ritory.

1 SEC. 4. That the members of the convention thus
2 elected shall meet at the capital of said Territory on the first
3 Monday in July next, and, after organization, shall declare,
4 on behalf of the people of said Territory, that they adopt the
5 Constitution of the United States. Whereupon the said con-
6 vention shall be, and it is hereby, authorized to form a consti-
7 tution and State government for said Territory: *Provided*,
8 That the constitution, when formed, shall be republican, and
9 not repugnant to the Constitution of the United States and
10 the principles of the Declaration of Independence: *And pro-*
11 *vided further*, That said convention shall provide, by an
12 ordinance irrevocable, without the consent of the United States
13 and the people of said State

14 First. That there shall be neither slavery nor involun-
 15 tary servitude in the said State, otherwise than in the punish-
 16 ment of crimes, whereof the party shall have been duly
 17 convicted.

18 Secondly. That no law shall ever be enacted by the legis-
 19 lature of said State legalizing or authorizing bigamy, polygamy,
 20 or plural marriage.

21 Thirdly. That for the period of ten years after the ratifi-
 22 cation of this constitution, members of the legislature, and all
 23 officers, executive, judicial, and ministerial, shall, before they
 24 enter upon the duties of their respective offices, and all per-
 25 sons offering to vote shall, before they are permitted to cast
 26 or deposit their votes or ballots, take the following oath or
 27 affirmation:

28 I, ———, do solemnly swear (or affirm) that I have not
 29 contracted or commenced to enter upon relations of bigamy,
 30 polygamy, or plural marriage since the adoption of this con-
 31 stitution; and that I will not hereafter contract or commence
 32 to enter upon such relations, (if an oath,) so help me God; (if
 33 an affirmation,) under the pains and penalties of perjury.

34 Fourthly. That perfect toleration of religious sentiment
 35 shall be secured, and no inhabitant of said State shall ever
 36 be molested in person or property on account of his or her
 37 mode of religious worship.

38 Fifthly. That all illegitimate children born prior to January

39 first, eighteen hundred and seventy-three, and their mothers,
40 shall inherit from the father in like manner with the wife and
41 legitimate children.

42 Sixthly. That the people inhabiting said Territory do agree
43 and declare that they forever disclaim all right and title to
44 the unappropriated public lands lying within said Territory ;
45 and that the same shall be and remain at the sole and entire
46 disposition of the United States ; and that the lands belong-
47 ing to citizens of the United States, residing without the said
48 State, shall never be taxed higher than the land belonging to
49 the residents thereof ; and that no taxes shall be imposed by
50 said State on lands or property therein belonging to, or which
51 may hereafter be purchased by, the United States.

1 SEC. 5. That in case a constitution and State govern-
2 ment shall be formed for the people of said Territory, in com-
3 pliance with the provisions of this act, said convention
4 forming the same shall provide by ordinance for submitting
5 said constitution to the people of said State for their ratifica-
6 tion or rejection, at an election to be held on the second
7 Tuesday of September, eighteen hundred and seventy-two,
8 at such places and under such regulations as may be prescribed
9 therein, at which election the lawful voters of said new State
10 shall vote directly for or against the proposed constitution,
11 and the returns of said election shall be made to the acting
12 governor of the Territory, who, with the president of the

13 council and speaker of the house of representatives of the
 14 territorial legislative assembly of eighteen hundred and
 15 seventy-two, shall canvass the same; and if a majority of
 16 legal votes shall be cast for said constitution in said proposed
 17 State, the said acting governor shall certify the same to the
 18 President of the United States, together with a copy of said
 19 constitution and ordinances; whereupon it shall be the duty of
 20 the President of the United States, if the same are in con-
 21 formity with the provisions of this act, to issue his proclama-
 22 tion declaring the State admitted into the Union on an equal
 23 footing with the original States, without any further action
 24 whatever on the part of Congress.

1 SEC. 6. That until the next general census shall be
 2 taken said State shall be entitled to one Representative in the
 3 House of Representatives of the United States; which Rep-
 4 resentative, together with the governor and State and other
 5 officers provided for in said constitution, may be elected on
 6 the same day a vote is taken for or against the proposed con-
 7 stitution and State government, or at such other time as said
 8 constitutional convention may prescribe.

1 SEC. 7. That sections numbers sixteen and thirty-six, in
 2 every township, and where such sections have been sold, or
 3 otherwise disposed of, by any act of Congress, other lands
 4 equivalent thereto, in legal subdivisions of not less than one
 5 quarter-section, and as contiguous as may be, shall be, and

6 are hereby, granted to said State for the support of common
7 schools.

1 SEC. 8. That provided the said State shall be admitted
2 into the Union in accordance with the foregoing provisions of
3 this act, fifty entire sections of the unappropriated pub-
4 lic lands, not mineral, within said State, to be selected and lo-
5 cated by direction of the legislature thereof, on or before the
6 first day of January, anno Domini eighteen hundred and sev-
7 enty-six, shall be, and they are hereby, granted, in legal sub-
8 divisions of not less than one hundred and sixty acres, to said
9 State, for the purpose of erecting public buildings at the cap-
10 ital of said State for legislative and judicial purposes, in such
11 manner as the legislature shall prescribe, and fifty other en-
12 tire sections of land, not mineral, as aforesaid, to be selected
13 and located as aforesaid, in legal subdivisions as aforesaid,
14 shall be, and they are hereby, granted to said State for the
15 purpose of erecting a suitable building for a penitentiary, or
16 State prison, in the manner aforesaid.

1 SEC. 9. That five per centum of the proceeds of the
2 sales of all public lands lying within said State which shall
3 be sold by the United States subsequent to the admission of
4 said State into the Union, after deducting all the expenses
5 incident to the same, shall be paid to the said State for the
6 purpose of making and improving public roads, constructing
7 ditches or canals, to effect a general system of irrigation of

8 the agricultural land in the State, as the legislature shall
9 direct.

1 SEC. 10. That from and after the admission of the said
2 State into the Union, in pursuance of this act, the laws of
3 the United States not locally inapplicable shall have the
4 same force and effect within the said State as elsewhere
5 within the United States, and said State shall constitute one
6 judicial district.