

CRAGIN'S AMENDMENT.

MR. CRAGIN, from the Committee on Territories, to whom was referred the bill (S. 325) to aid the execution of the law against polygamy, and to prevent that crime in the Territory of Utah, and for other purposes, reported it, with the following amendment, in the Senate of the United States, April 29, 1872.

AMENDMENT.

Strike out all after the enacting clause and insert the following: That all male citizens of the United States, residents of Utah Territory, shall be competent to serve as grand and petit jurors in said Territory.

SEC. 2. That whenever a district judge of said Territory shall determine that a grand jury or petit jury will be needed at a term of his court, the said judge, the said United States attorney, and United States marshal shall make a list in writing of the names of two hundred male citizens of the United States residing in said district, and who have resided six months in the said Territory, 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 the said court. And whenever the judge shall order the clerk to issue a venire, the clerk, in the presence of the said attorney and marshal, or their 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; shall fold them uniformly, so that the name written thereon shall be concealed; shall then place them in a covered box and thoroughly mix and 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 clerk, attorney, and marshal shall affix thereto their certificate to the fact, the time and place of such drawing, and file the same in the office of the 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, and for all cases, whether arising under the laws of the United States or under the laws of the 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 the 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 limitation prescribed by law.

SEC. 3. 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 judges in said Territory, and to serve and execute all processes and orders issued or directed by said courts or by judges thereof.

SEC. 4. That it shall be the duty of the United States attorney for the Territory, personally or by his deputy or assistant, to attend all the courts which may be held by the United States judges, or any of them, in said Territory, and to perform the duties of prosecuting attorney; and that the United States attorney and 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 taxed by the court or judge before whom the services were rendered, or, in the case of the attorney and marshal, by the supreme court of the Territory, shall be paid to the said attorney, marshal, and jurors respectively, from the territorial treasury annually, on the third Monday in December.

SEC. 5. That all fines imposed by the district courts for violation of the laws of the Territory, and paid, shall be deposited in a national bank by order of the presiding judge, and shall be expended, so far as may be necessary, to pay the taxable fees and charges of officers, jurors, and witnesses in proceedings to enforce the said laws.

SEC. 6. That in all suits or proceedings at law or in equity wherein the United States are neither a party nor interested, the costs may be taxed against and collected of the proper parties, under the direction of 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 prevailing party.

SEC. 7. That in prosecutions for the crime of bigamy or polygamy, proof of cohabitation by the accused as husband or wife, or the acknowledgment of the party accused of the existence of the marital relation of husband or wife, shall be sufficient to sustain the prosecution.

SEC. 8. That the probate courts, in their respective counties in said Territory, in addition to their probate jurisdiction, are hereby authorized to hear, try, and determine civil causes where the damage or debt claimed does not exceed three hundred dollars, and in criminal proceedings said courts shall have the power of commitment.

SEC. 9. That all elections in said Territory shall be by ballot, and no device, name, number, or character of any kind shall be placed on any ticket by the judges of elections, trustees, or other person, by which the person casting the same can be known.

SEC. 10. That all acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect from and after its passage.

Amend the title so that it will read: "A bill to aid the execution of the laws in the Territory of Utah."

LOCAL AND OTHER MATTERS.

FROM TUESDAY'S DAILY.

SOLD.—The bankrupt stock of the defunct Salt Lake Review was sold under the hammer this morning for \$1,100. Mr. O. G. Sawyer was the purchaser.

TROOPS FOR BEAVER.—A dispatch from Ogden, received this morning, says: "Two hundred and fifty U. S. troops will arrive from the East to-day for Beaver City."

A large number of ambulance wagons, &c., left Camp Douglas for the same destination yesterday morning.

THE GILSON CASE.—At 10 o'clock this morning the investigation of the charge made on the affidavit of John Thomas, against S. H. Gilson, ex-balliff of the grand jury, commenced in the Justice's Court, City Hall, his honor S. W. Richards on the bench. Mr. Hagan appeared for the people, Messrs. Maxwell and C. M. Hawley for the defendant.

The following is a copy of the

AFFIDAVIT.

Territory of Utah,	In Justice court before S. W. Richards,
County of Salt Lake,	Justice of the Peace.
The people of the United States in the Territory of Utah,	Plaintiff.
vs.	
Samuel Gilson.	Defendant.

John Thomas being first duly sworn, deposes and says, That he is a male citizen of the United States, and is over the age of twenty-one years.

That on or about the 7th day of March, A. D. 1872, at Salt Lake county, Utah Territory, the said defendant, Samuel Gilson, then and there threatened wilfully and maliciously to accuse affiant of a public crime, to wit, larceny; and at the time and place aforesaid the said defendant, Samuel Gilson, did then and there wilfully and maliciously threaten to kill this affiant.

That by reason of such wilful and malicious threats, as aforesaid, and with the intent thereby to compel affiant to subscribe and swear to an affidavit, (which affidavit, as affiant is informed and believes, is dated on or about the seventh day of March, A. D. 1872) and which affidavit, as affiant is informed and believes, is now in the possession of the prosecuting officers of said Salt Lake County, affiant was then and there compelled, against his will, by the said defendant, Samuel Gilson, to subscribe and swear to said affidavit.

That on the date last above mentioned affiant was imprisoned for an alleged offence against the laws of the Territory.

That the affidavit aforesaid is false in substance, and was obtained by defendant from affiant by reason of the aforesaid threats and against the will of affiant, all of which is contrary to the statutes in such cases made and provided.

Wherefore affiant prays that the said Samuel Gilson be dealt with according to law.

(Signed) JOHN THOMAS.

Subscribed and sworn to before me this 4th day of May, A. D. 1872.

J. W. STAINBURN,

Notary Public, S. L. County.

Prisoner's counsel moved to dismiss the

proceedings because the complaining witness did not appear before the justice who issued the warrant on which their client was arrested, but before a notary public. The court overruled the motion, and a plea of "NOT GUILTY" was entered by the defence.

The following witnesses were called and sworn for the prosecution: John Thomas, William Walker and William Horton.

William Walker deposed that he was clerk of the Third Judicial District Court, in Salt Lake County; that he had not in his possession an affidavit signed by John Thomas, sworn to and dated about the 7th of March, '72, and did not know where it was.

John Thomas was the next witness examined. His testimony was lengthy and rambling, almost incoherent, and to the effect that he had been confined at Camp Douglas on, as he said, a "trumped up" charge of horse stealing. He knew Gilson, had had conversations with him in the month of March, both at Camp Douglas and in this city, relative to an affidavit in the Baker-Robinson case. On the 7th day of March he was brought down from Camp Douglas in the buggy of one Greenough, and taken to the office of Marshal Patrick, and on a piazza, in the rear of that office, he had a conversation with Gilson, in which he, Gilson, stated that he had put this job (the charge of horse stealing) on to him, Thomas; that he intended to keep him confined, and would bring men forward to swear to his guilt of the crime with which he was charged, unless he would sign a paper that he, Gilson, had in his pocket, in relation to Baker and the Robinson murder case. Gilson said he was working to obtain the conviction of the parties arrested in that case, and he wanted no man to interfere with his operations; he knew that witness could defeat them, and to prevent him doing so he had him arrested on the charge of horse stealing. Gilson also said that the man from whom witness bought the horse would come forward and swear to his guilt, or anything he, Gilson, desired. When he made this statement Gilson admitted that there was not a bigger thief in Nevada or Utah than this man. Witness deposed that he did not know the contents of the paper which Gilson wished him to sign, but he signed it under the influence of his threats.

The third witness examined was William Horton, who deposed that he was confined at Camp Douglas at the same time as Thomas; he remembered a day, he believed it was the last of February or beginning of March, on which Gilson and Thomas had a conversation together, in a kind of a passage way between the room where the prisoners were confined and that occupied by the guard; he heard Gilson say to Thomas, "You must do this or you can't get discharged." After Gilson's departure, Thomas was very much excited, and told witness that Gilson had made a proposition to him to come to Salt Lake City and make an affidavit in regard to the Baker-Robinson affair, denying a statement that he, witness, had previously made. Thomas said that he was in a bad fix and asked the advice of the witness; and finally said he supposed he should be obliged, in consequence of Gilson's threats, to sign the statement.

Further investigation of the case was postponed until 4 o'clock this afternoon.

MORE LIE.—In the New York Herald of May 1st, is the following—

"Salt Lake, April 30, 1872. The decision of the United States Supreme Court has stripped the Courts of the Territory of all their officers. By this decision the United States marshal cannot serve processes in any Territorial matters, which must now be served by the Territorial Marshal.

"A small clique of Jack Mormons and adventurers here have sent a dispatch to the country denying the accuracy of your correspondent's reports; but no sensible, well-informed person for a moment questions the truth of the dispatches. This clique has ulterior objects to gain, which are unworthy of notice."

FATAL ACCIDENT.—About seven o'clock last night a team being driven by Ed. Carlsson ran away in the Twentieth Ward, and when opposite the residence of Mr. Charles Ringwood, Carlsson was thrown out of the wagon, both wheels of which passed over him. He received a severe cut in the forehead, was badly injured in the right groin, and one of his ribs was broken, besides being badly shaken and bruised internally. He was taken into the house of Mr. Ringwood and medical aid rendered him, and about ten o'clock he was removed to his own residence in the Fourth Ward, a few hours after which he expired. We understand he was about thirty-five years old and unmarried.

FROM WEDNESDAY'S DAILY.

INFORMATION WANTED.—If Brother Samuel Hunt, who left the London conference about four years since, will communicate with Elder R. F. Neslen he will hear of something to his advantage. Address R. F. Neslen, Box 124, Salt Lake City.

TWO SIDES TOO MUCH.—Before us lies a lengthy communication from the country, written on both sides of the paper. Now, if correspondents knew how that sort of thing vexes the souls of the compositors, the provocation would not be offered so

often as it is. Moral—write only on one side of manuscript intended for publication. It is far better to put twice as much on one side than to write on both.

SOUND DOCTRINE.—Elizabeth Heward writes from Draper, April 24, that the inhabitants of this Territory are able to manufacture everything they need, if they would unitedly endeavor to do it, and she concludes her note as follows—"I am ashamed when I see the daughters of Zion dressed after the most silly fashions of the world, when the Lord has commanded us to let the beauty of our clothing be the workmanship of our own hands." All of which is very good doctrine, and Elizabeth might have hinted that some of the sons of Zion spend means quite as foolishly as any of the daughters do.

THE GILSON CASE.

The investigation of this case was resumed at 4 o'clock yesterday afternoon before his honor S. W. Richards.

The remaining witness for the prosecution, Frank Sadler, was called, but not being present, the prosecution rested.

The evidence for the defence then commenced, and as only one witness was examined—General Maxwell, one of the counsel of the accused—we give a verbatim report of his testimony, the questions being put by his co-counsel, Mr. Hawley:

Q. General, you reside in Salt Lake City?

A. Yes, sir.

Q. What is your profession?

A. I am an attorney-at-law and register of the land office at the present time.

Q. Do you know anything about this affidavit?

A. Yes, sir.

Q. The procuring of it?

A. Well, I know something about it.

Q. Please to state to the Court in your own language what you know about it?

A. The day before the affidavit was made, I don't know what day it was—the 6th or 7th of March—I received information from somebody that one Mr. Marion desired to see me at Camp. I went to see him, and the next day—the 7th of March, this man Thomas came down and came into my office, and said that he desired to make a clean breast in the Baker matter, that the Mormons had thrown off on him, and Tom Fitch particularly. I told him I expected to be district attorney in a few days, and could not talk with him, and I asked him to go with me to the United States Marshal's office, and he went with me. I left him with the United States Marshal. I do not know whether Mr. High was present or not, but I think I spoke to him about the matter, to see what he wanted to do. I heard afterwards that an affidavit was procured, and the first I ever saw of it was the day the case of Baker on habeas corpus was brought up. The morning of the investigation of that case there was a conversation in the court room between Mr. Thomas and myself. I asked him what he was going to do. He said he was in the hands of other parties now—I inferred, of course, what other parties they were—and unless he could be assured he could have his liberty he would not substantiate the affidavit. He admitted to me, however, that it was true. That is all I know of the aforesaid affidavit.

Q. Do you know of any threats having been made or special inducements tendered to Mr. Thomas to get him to give this affidavit?

A. No, sir. I told him if he "freed his breast" he must do it of his own free will, that I could not, and would not if I could, give him any assurances of even my friendship in the matter.

Q. Did Mr. Thomas, when he came into your office, inquire for Mr. Gilson?

A. No, sir—let me see, I do not know. I think, after having the conversation the day before with a man by the name of Marion, I sent Mr. Gilson to camp. I think I asked him to go. After I came back from the marshal's office I met Gilson on the street and told him. I think my words were, to go over and see what the man desired to say. I might have put it in stronger language, but that was what I meant.

Q. Do you know of any attempts having been made to induce Mr. Thomas to give this affidavit before this time?

A. None whatever, before or since. In fact I did not know at that time what the affidavit was about.

Q. State if Mr. Thomas made any statement to you in regard to the purposes or reasons or objects which he had in making this affidavit.

A. Nothing further than I have already stated.

Cross-examined by Mr. Hagan:

Q. General, who brought Thomas to your office?

A. Well, I think he was brought by a deputy marshal, I do not know his name. An arrangement was made by which he was brought to our town.

Q. What business did he say he had when he came there?

A. I do not remember what he said. I knew perfectly well what he was down for.

Q. How did you know that?

A. I did not know of my own knowledge, except from statements made to me by Mr. Marion or some one, respecting some arrangements about bail.

Q. It was a supposition on your part.

A. Yes, purely so.

Q. You stated before, General, that Thomas said, unless he could be assured of