THE EVENING NEWS.

Thursday, - - May 16 18.2.

Clagett's Judiciary Bill.

Mr. Clagett, on leave, introduced the following Bill Relating to the courts and judicial proceedings in the Territories, in the House of Representatives, May 6, 1872, which was read twice, referred to the Committee on the Judiciary, and ordered to be printed.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the organized Territories of the United States, exclusive of the District of Columbia, shall constitute three judicial circuits, as follows: The Territories of Washington, Idaho, and Montana shall constitute the tenth circuit; Utah, Wyoming, and Dakota, the eleventh circuit; Colorado, New Mexico, and Arizona, the twelfth circuit. There shall be appointed in each of said circuits a circuit judge, who shall reside in his circuit and shall receive the same compensation and shall possess the same power and jurisdiction therein as the other circuit judges of the United States exercise in their respective circuits in cases arising under the Constitution and laws of the United States; and, in addition thereto, such circuit judges shall exercise the powers and jurisdiction in the several Territories which are now conferred by law on the supreme courts thereof; and the said supreme courts are hereby abolished. All papers and records belonging to the said supreme courts in the several Territories shall be transferred to the circuit court, and all cases and proceedings pending in said supreme courts shall be proceeded with in the circuit courts to a final determination. Appeals and writs of error from the circuit courts in the Territories shall be allowed to the Supreme Court of the United States in cases arising under the Constitution and laws of the United States in all cases where appeals and writs of error are allowed from the circuit or district courts of the United States, and also in all cases involving the constitutionality or legality of a territorial statute. In all other cases the judgment and decrees of the said circuit courts shall be final.

SEC. 2. That whenever a new State shall be formed from any of the Territories aforesaid, such new State shall remain as a part of the circuit in which the Territory was situated, and be subject to the laws governing other circuit courts in the States. There shall be held at the capital of each Territory two terms of the circuit court in each year, the time to be fixed by the presiding judge.

SEC. 3. That the circuit and district courts of said Territories are hereby declared territorial courts while exercising their jurisdiction in cases arising or properly cognizable under the laws of said Territories; and the legislative assemblies of said Territories shall have power to prescribe by law the pleading, practice, and procedure in all cases in chancery and at common law now pending or hereafter instituted in said territorial courts, and to provide in such cases for the joinder of legal and equitable causes of action, for the interposition of equitable defenses to legal causes of action, and for the same mode of pleading, practice, and procedure in cases in chancery and at common law: *Provided*, That nothing in this act shall be construed to authorize said legislative assemblies to change or interfere with the pleading, practice, or procedure in said courts while exercising their jurisdiction as circuit or district courts in cases arising under the Constitution and laws of the United States: *And provided further*, That the existing legislation of the several Territories prescribing the mode of pleading, practice, and procedure in said territorial courts, as specified herein, is hereby recognized as valid, and declared in force in said courts and in the determination of all appeals therefrom, until the same shall be amended, modified, or repealed by the legislative assemblies of said Territories, respectively.

SEC. 4. That in the Territory of Utah it shall be the duty of the United States marshal, in person or by his deputies, to attend all the courts held by the circuit judge and district judges in said Territory, and to serve and execute all process and orders issued or directed by said courts, or by a judge thereof, when exercising their jurisdiction in criminal cases arising under the laws of the United States or the laws of said Territory; and 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 circuit judge and district judges, or either 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 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 whenever a district judge of said Territory of Utah shall determine that a grand jury is necessary, or that a petit jury for the trial of criminal cases will be needed, such judge, at least thirty days before the commencement of the term at which such jury will be required, together with the probate judge of the county in which the court is to be held, shall select from the male citizens of the United States over twenty-one years of age resident of the district, a sufficient number to constitute the juries required, not less than five hundred. Each of said judges shall select a name alternately until the required number shall be secured.

SEC. 6. That the names of the persons when selected shall be written on separate slips of paper of the same quality and size, and carefully and uniformly folded and deposited in a box to be prepared for that purpose, which box shall be locked with two separate locks, and the district judge shall retain one key and the probate judge the other. Whenever a venire is to be issued for either a grand or petit jury, the two judges shall open the box, and the clerk of the court, in their presence, shall draw from the same the number of jurors required, and make a list in writing of the persons constituting each panel so drawn, and the district and probate judges shall affix their certificates to the list, and the time and place of drawing, and file the same in the office of said clerk, whereupon the clerk shall issue a venire to the marshal, commanding him to summon the persons so drawn to attend and serve as such jurors, at the time and place designated by the district judge, and such jurors shall constitute the regular panel for such term of the court for all criminal cases, whether arising under the laws of the United States or under the laws of the said Territory. If at any time during the term of court the names of the persons drawn from the box shall be exhausted, others shall be drawn and summoned in the same manner as herein before provided. Each party, on the trial of criminal cases where the punishment is death, shall be entitled to twelve peremptory challenges; in other criminal cases, to six. In all criminal cases the court, and not the jury, shall pronounce the judgment under limitations prescribed by law, and a verdict of three-fourths of the jury shall stand as the verdict of the whole. In case either the district or probate judge should fail or refuse to act, in any case where they are required to act together by the provisions of this law, the other shall have power to do all things herein required, notwithstanding such failure or refusal.

SEC. 7. That each judge may fix the times and places of holding district courts in his district for the transaction of business arising under the laws of the Territory, and the number of terms which may be held annually. The district courts shall have exclusive original jurisdiction of all actions for divorce, and shall take jurisdiction of such actions now pending therein. In case the territorial legislature shall fail to make provision for the payment of the fees and compensations by this act made chargeable upon the territorial treasury, then, in such case, the same shall be paid out of the funds which have been or shall be appropriated by Congress to defray the expenses of the territorial legislature, and for the compensation of the members thereof.

SEC. 8. 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. 9. That no person shall be eligible as a grand or petit juror in said Territories in criminal cases who practices polygamy, or who has conscientious scruples against the conviction of persons charged with the offense of polygamy; and in determining the question of disqualification under this provision the court may, in its discretion, appoint three triors who shall investigate and decide upon the competency of the juror.

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February 8th, 1872.
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Leave going East				Arrive from East	
*4.00 p m	7.00 a m	San Fran'c	3.30 p m	12.20 p m
4.35 "	7.35 "	Oakland	3.00 "	1.50 "
4.40 "	7.60 "	San Jose	8.30 "	2.10 "
5.35 "	8.35 "	Niles	7.05 "	12.45 "
8.25 "	11.28 "	Lathrop	4.44 "	9.41 "
6.40 "	11.50 "	Stock'n	4.07 "	9.07 "
10.45 p m	1.25 a m	Sacra'to	2.30 p m	7.15 a m
Arrive from the West			Leave sta West	

Sacramento, Colfax, Reno & Ogden.

Leave going East			Arrive from East
	2.00 p m	Sacra'to	2.00 p m
	5.40 "	Colfax	10.20 a m
	1.05 a m	Reno	8.00 "
	8.10 "	Winnem	4.15 p m
	12.00 m	Battle Mt	1.35 "
	4.40 p m	Elko	8.45 a m
	8.35 p m	Ogden	3.30 p m
Arrive from West			Leave going West

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For trains running from San Francisco, take the left hand columns and read downwards. For trains running towards San Francisco, take the right hand columns and read upwards.
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