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 June 7, 1887. Tuesday, **AN OUTRAGE!** The Attempt to Drag Wm. Budge

from the Court's Presence. AN ASTONISHING SPECTACLE OF JUDICIAL

From the Ogden Herald, June 6th.

HELPLESSNESS.

The habeas corpus case of President and agreeably to the usual mode of The habeas corpus case of President William Budge, of Paris, Idaho, was concluded before Judge Henderson Saturday night, June 4th. It developed into startling proportions, and may well rank as the greatest case, so far, in Judge Henderson's Utak experience.

on record.

At 7 o'clock, the hour appointed by Judge Henderson for the delivery of his decision upon the application for William Budge's discharge under the writ of habeas corpus issued by him some forty-eight hours previously; the petitioner, William Budge, and his at-torneys, C. C. Richards, H. H. Rolapp, J. N. Kimbail and W. R. White, were

. N. Kimball and W. R. White, were me.' in court; and a large crowd of spectators, consisting of members of the bar and other interested parties, were also

present. For some reason the Judge and there ensued a scene such as was did not appear until 8 o'clock; and even rarely witnessed in any court room in then the matter was not soon taken America. It would have been smasting part the statements of law and fact ad-up, because several other items of if it had not been pitisble. Messre, vanced by counsel for the applicant; business seemed to require attention. Hiles and Rogers resisted the applica-and added that he saw no reason why must be reached at last, and the court of law existed for such a thing. At could be questioned.

inally encountered the grave under- one point Mr. Rogers was apparently

Also by this time nearly all the mem- characteristic speech. Also by this time hearly all the mem-bers of the bar had assembled, in anticipation of an interesting matter. It was expected that the court would, without further delay, render a decision of the weighty question which had been so long under con-sideration. But when he announced his berget to the applicant showed that not only was the pricant showed that not only was the pricant showed that not only was the pricant showed that not only was the pain and unmistakable upon this print, but that precedents within the personal knowledge of everybedy present had recently occurred—nota bly the cases of John W. Young, whe readiness to proceed to hear the case, was arrested in the East on a warrant counsel for respondents offered to fly issued at Sait Lake, and admitted to counsel for respondents offered to file what they called an amended return, or a further return to the writ. This strange document recited that since the former return had been made, a deputy marshal from Idaho Territory had appeared in Ogden with a bench warrant from Judge Hayes, of the Fhird Judicial District of Idaho, and demanded the person of William Budge. Respondents therefore asked that the writ be denied, and that peti-tioner be remanded.

onsidered in a return by respondents

Cannon to appear before the Court at Salt Lake. Counsel further showed

lackfoot, Idaho, June 3d, 1887. Upon he back of it was endorsed : "Admit to ball in the sum of \$3,000. "JAMES B. HAYES, Judge." These last proceedings had been juietly taken, and their nature was on-

apparent to persons within the bar. But later the attorneys for the appli-cant made another formal demand in louder tones, that he be admitted to bail under sections 1,014 and 1,015 of the revised istatutes of the United

States, which they quoted, as fol-OWS:

of a Circuit court to take bail, or any Chancellor, judge of a supreme or su-perior court, chief of first judge of common pleas, mayor of a city, jus-tice of the peace, or other magistrate, or any state where he may be found, the court seemed involved. It would the court is the use of talkbe easier to simply deny that anything ing with him? Don't you know that

The writ of habeas corpus was denied, speedily as may be into the clerk's be made under the law. and the petitioner was remanded. He recognizances of the witnesses for mind of the court. Messes. Hiles and was then taken in arrest by W. S. Hop-son, Deputy Marshal of Idaho, and And where any offender or witness is their position was conject, and counson, Deputy Marshai of Idaho, and And where any offender or witness is their position was connect, and coun-subsequently was admitted to bail in the sum of \$3,000. Then he was re-arrested on another warrant, and again admitted to bail in the sum of \$3,000. Then he was re-arrested on another warrant, and again district where such offender or witness is uprisoned seasonably to issue, and of the marshal to execute, a warrant for his removal to the district where th night were sensational, and they form the trial is to be had. a chapter which should be placed fully "SEC. 1015. Ball shall be admitted been more considerate in showing the

upon all arrests in criminal cases where plain letter of the law to the court. the offense is not punishable by death; Mr. Richards, especially, went over

sire to say a few words. I recognize The Judge looked relieved and said: "Yes, send for Mr. Hiles." Mr. Hiles came in after a little wait, Honor's permission; but it seems to me that the matter is very plain." Then Judge Emerson reiterated in

But even the most disagreeable thing tion for bail, claiming that no warrant the request of the applicant for bail Judge Henderson had bowed his

finally encountered the grave under-taking. By this time W. S. Hopson, deputy marstal for Idabo Territory, Ogden Hiles, Assistant District Attorney for Utah, and a person known as L. R. Rogers were present; the latter two individuals representing the respon-dents in the habeas corpus proceedings. Also by this time nearly all the memo-characteristic speech.

had no business in this case. I agree with him decidedly on that point. Everything else that he advanced, I dispute."

As he uttered these words Master Rogers turned his head, glittering with Hyperion cur's, toward the place occupled by Judge Emerson. If the human eye possesses the power of expression, then Master Rogers' giance

The court had an hour or two hours previously taken judicial cognizance of the presence of Mr. Hopson. Mr. Hopson had also formally entered his After a few moments of pri-vate conversation between Rogers, appearance in court by sending for Mr. McLennan and Hopson, McLennan files to represent him. The warrant under which the arrest was modeled and be-A Apply at

friles to represent him. The warrant under which the arrest was made, and the endorsed order thereon of Jedge Hayes, fixing the amount of ball, had been exhibited to the court. Mr. Budge and his attorneys had gone to the judge's desk and requested his ad-mission to bail. And finally counsel for Mr. Budge had made a formal demand that he be admitted to ball, and that

"SEC. 1,014. For any crime or offense against the United States, the offender may, by any justice or judge of the United States, or by any commissioner hour. And yet here were men pro-Budge began to remonstrate with Budge began to remonstrate with

"Keep still. What is the use of talk-

McLennan did not say that this conclusion was arrived at because of the whispered consultation between Master Rogers and big self, and hearers were left to draw their own infer-

While they were proceeding, someone asked Deputy Exum: "What authority does 'Mc' pos-

sess?" "He is a batilf." "Is he a deputy marshal?" "He is not under bonds as a dep-

"Has he any right to perform the

duty of a deputy?" "Well, he is an acting deputy."

"Well, what is the difference between an acting deputy and a bonded lepaty?" "I cannot answer you that. I would

be pleased to tell you if I knew, but I do not." "Well, he seems to me to be exert-ing a good deal of authority."

Mr. Rogers' office over the wine room was soon reached, and the party proceeded up stairs. The place was dark and closed. A messenger sent for Rogers soon returned with him, and

he took his seat as magistrate. Mr. Rogers is quite protean. It might have disturbed the equanimity of some men to sit in judgment in a

matter of this kind so soon after having taken such a part as Mr. Rogers took in the district court only a few moments earlier; but United States Commissioner Rogers was perfectly complaisant. A formal demand was made upon him

or an order admitting William Budge

to bail. He asked: "Mr. Hopson, what security do you want Mr. Budge to give?" Hopson replied:

"I want \$10,000."

Then Hopson launched into an irrele-vant and incoherent account of some alleged effort which had been made to arrest some uncertain parties in Bear Lake, at some uncertain previous time; and how some uncertain persons had taken the arrested parties away from the deputies and turned the lat-

ter out of the valley. "And," he added, "this man's Bishop over there, and he is responsible for it "

The fact that no such occurrence took place, as Mr. Budge offered to show, did not seem to affect the loquacious deputy. He was only silenced when Mr. Kimball smilingly

"If that is the way they act, I guess



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## Coursel for the petitioner objected amount of security and release Mr. o the filing of such an amended return on these grounds: That nothing in either the first or second return showed any authority in the United States Marshal of Utah, or t FROM \$35 to \$1000!

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"For," counsel for petitioner stated, "the question taken under advisement, by the court was, whether there was any legal authority in the Marshal of Utah Territory to arrest and detain thas no annotations, showing clearly William Budge, asd," counsel added, "such a proceeding might become in-terminable if a court could keep con-tinuing a question of this kind from time to time, and considering new facts which were constantly arising." The court stated that he wasinclined to the option of this. Evidently this meant an instruction to the cierk to dile the return i because a moment later, when the court asked, apparent-ly is some suprise, "Wesil, "Weil," said court, asked me to quote authori-ties showing the right of a defendant warrant from Judge Hayes dated fart recepted to the question is to court ask." Counsel for the async of this wit is too isate." Counsel for the async of this wit is too isate." Counsel for the async of this wit is too isate." Counsel for the async of this with of hadesa corriging of the splicant of the best of the splicants of a sparent-ly is some suprise, "Yes, sir." "Weil," said fied now, anyway, and it is too isate." Counsel for the async of this with set of splice the shore the event of the petitioner then ere court, he splicants of a fairse; but supplicants of a splice to the splicants of a splice to the discharge that the splicants of splice. Court had asked me to quote authori-is basines to make the boad; bat is consel for respondents answered in a hil spoio-getic tone, "Yes, sir." "Weil," said fied now, anyway, and it is too isate." Counsel for the petitioner then ere, copied to the ruling, and asked that the action was ask dat fairse; but ado grave to do splice the fill splice to this with a do grave to be splice to be could and a fuller. The recention he petitioner then ere the fill a court, resigned, "the petitioner then ere the splice data the splicantse, the splice data fill the core to rule as the spect to be splice to be could a the court, resignedly, "the return is court-were to say: "Well, N response lot the subscription of the say record the set of the petitioner then ex-counsel for the petitioner then ex-cord be the railed and a full re-ruled upon? What do you think of it, matter. Clerk Henderson evidently was as much say record of the matter. Clerk Henderson evidently mated and repled that he had the power to check McLennan with a word. The Backfoot to answer the charges be-tore the depute significance of the extraordinary the had the power to check McLennan with a word. The Judge sature and the court adjourned. The Judge left the court room, and the second the say record of the master; but counsel for petitioner sont record as they desired. The Indocts and the spectra of the extraordinary to could prepare and supply him with is che record as the generated of the single court is and the spectra word the save mean supply him with such records as they desired. The Indocts and the spectra word the save mean supply him with is decensed upon it, probably I could base his decision, were no longer the ease miscription, and the same rate only facts. The last question pre-sented was of quite as great magni-tude as the first, and at the same rate of progress would take another forty-destance, and upons fich awas and the first and at the same rate of progress would take another forty-destance, of onger, for decision. "The Court appeared to be in a most would respond: "Yes, I know; but—-"" "Well, Mr. Richards, I don't know what he thought was an irresistible ar-orr, was all to be done over a gain, for and evidently getting weary of the teloner delays, counsel for the forty. "Well, Mr. Richards, I don't know what he thought was an irresistible ar-orres the facts." "The Court appeared to be and most." "The Court appeared to be and most." "The Surf appeared to be assorted to be and period and aread area to make another forty-or, was all to be done over again, for and evidently getting weary of the teloner stays. Counsel, for decision. \$1500 A new brick house of 5 rooms and and Third West Streets, one block from car turn changed the appearance

C SERVICE you don't go over there, do you Hop Emerson's kindly address for the en-Hopson indignantly answered: "No, I don't." lightenment of the court was all right;

Commissioner Rogers inquired what position the applicant heid in the com-munity—if he were not a prominent man among the people of Idaho. Hopson glibly replied that among the Mormons William Budge stood high;

the United States Marshal of Utah, or any of his deputies to arrest or detain William Budge. That the only evidence yet produced that William Budge was hable to ar-rest was a fact which arose subsequent to the date of issuance of writ; for the warrant described in the amended re turn was dated at Blackfoot, Idaho, June 3d, 1887, while the arrest of Wil-iam Budge was made at Ogden, June 2, 1887. he was a bishop. Putting William Budge's ecclesiasti-

cal rank into one side of the scales, Commissioner Rogers threw into the other side an order requiring him to give \$5,000.00 bail. But upon protest That the only matters proper to be and remarked: from counsel for the applicant, he finally reduced the sum to \$3,000.00; although this was a great under-valua-tion of a Mormon bishop! A bond was prepared, and Messrs. Thomas D. Dee and Angus T. Wright came forward and affixed their names, and verfied as "Parties should have known that this for Mr. Budge ffered a bond after the considered in a return by respondents to a writ of habeas corpus were facts existing at the time of arrest or issu-ance of writ. "For," counsel for petitioner stated, the question taken under advisement by the court was, whether there was any legal authority in the Marshal of Uteb Territory to arrest and detain

sureties. Mr. Budge was then released, and his counsel asked Hopson how many more warrants he had of that kind,

Graete

Here are the facts: Some spotter saw him at the depo and telephoned to the deputies to come and arrest him. The deputies had not even personal knowledge that Mr. Budge was wanted on any criminal charge. They arrested him on the re-motest suspicion.

For unless you know what Nail has been used in Shoeing him, you are been used in Shoeing him, you are been used in Shoeing him, you are him in the spenetrated the wall of the foo in lockjaw or death. See that your horse in only Hot-Forged and Hammer-Pointed Horse-shoe I only Hot-Forged and Hammer-Pointed Horse of the titles the orid hund process has been followed an marry the first they are been any Genuine II ammer- pointed Nauli the hot have a la driving. Sold by all dealers in E TYAM NAIL which alivers in driving. Sold by all dealers in E	James A. Duines
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Graefenberg PILLS act with great mildness, and may be taken at any time with benefit. They cure all forms of	John MorganHill Creek, S. L. County J. H. BarkerNewton John NafNef's. East Mill Creek L. A.BaileyNef's. East Mill Creek L. A.BaileyNef's. East Mill Creek L. A.BaileyNef's. East Mill Creek S. StevensNorth Ogden C. A. NorthNorth, S. L. County Lorenzo Brown, Nutroso, Apache Co., Arizona Peter AndersenOak Cresk Thomas ChamberlainOrderville C. CrowshawOrderville C. CrowshawOgden J. K. ReidOgden J. K. ReidOgden M. L. GruwellOgden M. L. GruwellOweida City, Idaho Oakley Co.opOue, Rio Arriba Co., N. M J. W. CrosbyOverion, Lincoln Co., Nevada A. M. FindiayPanaca, Nevada J. W. CrosbyOverion, Lincoln Co., Nevada A. M. FindiayPrice, Emery Co., Utah J. H. BranchPrice, Emery Co., Utah J. H. SwitalfPima, Graham Co., Arisona Paris Co-opPrice, Emery Co., Utah J. F. MaddisonPrice, Paris, Idaho J. F. MaddisonProvidence Gladys Coombs
These PILLS act with great mildness, and may be taken at any time with benefit. They cure all forms of Malarial Diseases and Fe-	John MorganHill Creek, S. L. County J. H. BarkerNetl's. East Mill Creek L. A.BaileyNetl's. East Mill Creek L. A.BaileyNetl's. East Mill Creek L. A.BaileyNetl's. East Mill Creek S. StevensNorth Ogden C. A. NorthNorth, S. L. County Lorenzo Brown, Nutroso, Apache Co., Arizona Peter AndersenOak Cresk Thomas ChamberlainOrderville C. CrowshawOxford, Idah Joseph HallOgden J. K. BeidOxford, Idah Joseph HallOgden J. K. BeidOrderville S. P. BichardsOgden M. L. GruwellOweida City, Idaho Oakley Co-opOue, Rio Arriba Co., N. M J. W. CrosbyOverion, Lincoln Co., Nevada A. M. FindlayPanaca, Nevada J. W. CrosbyPangusitch L. W. PorterPrice, Emery Co., Utah J. H. BranchPrice, Emery Co., Utah J. H. NuttaltPima, Graham Co., Arizona Paris Co-op,Paris, Idaho J. F. MaddisonProvidence Gladys CoombsProva Parowan Co-op
These PILLS act with great mildness, and may be taken at any time with benefit. They cure all forms of Malarial Diseases and Fe- vers, and should be used	John MorganHill Creek, S. L. County J. H. BarkerNeg's. East Mill Creek L. A.BaileyNeg's. East Mill Creek L. A.BaileyNeg's. East Mill Creek L. A.BaileyNeg's. East Mill Creek L. A.BaileyNeg's. East Mill Creek S. StevensNorth Ogden C. A. NorthNorth, S. L. County Lorenzo Brown, Nutrozo, Apache Co., Arizona Peter AndersenOak Cresk Thomas ChamberlainOak Cresk Thomas ChamberlainOak Cresk Thomas ChamberlainOak Cresk Thomas ChamberlainOak Cresk Thomas ChamberlainOak Cresk Thomas ChamberlainOgden J. K. ReidOxford, Idah Joseph HallOgden J. K. ReidOxford, Idah Oogden M. L. GruwellOneida City, Idaho Oakley Co.opOke Rio Arriba Co., N. M J. W. CrosbyOue, Rio Arriba Co., N. M J. W. CrosbyPanaca, Nevada A. M. FindiayPanaca, Nevada J. W. CrosbyPanaca, Nevada J. W. CrosbyPrice, Emery Co., Utah J. H. NuttaltPrina, Graham Co., Arizona Paris Co-op,Paris, Idaho J. F. MaddisonProvidence Gladys CoombsProvidence Gladys CoombsProvidence Gladys CoombsProva Parowan Co-op
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These PILLS act with great mildness, and may be taken at any time with benefit. They cure all forms of Malarial Diseases and Fe- vers, and should be used to stimulate the Liver and Kidneys to healthy action.	John MorganHill Creek, S. L. County J. H. BarkerNeg's. East Mill Creek L. A.BaileyNeg's. East MillingNeg's. East Mill Creek J. K. Reid
These PILLS act with great mildness, and may be taken at any time with benefit. They cure all forms of Malarial Diseases and Fe- vers, and should be used to stimulate the Liver and Kidneys to healthy action. They are invaluable for	John MorganHill Creek, S. L. County J. H. BarkerNetlin Newton John NafNef's. East Mill Creek L. A.BaileyNef's. East Mill Creek S. StevensNorth Ogden C. A. NorthNorth, S. L. County Lorenzo Brown, Nutroso, Apache Co., Arizona Peter AndersenOak Cresk Thomas ChamberlainOak Cresk Thomas ChamberlainOak Cresk Thomas ChamberlainOrderville C. CrowshawOxford, Idah Joseph HallOgden J. K. ReidOgden M. L. GruwellOuted City, Idaho Oakley Co.opOle, Rio Arriba Co., N. M J. W. CrosbyOverton, Lincoln Co., Nevada A. M. FindiayPrice, Emery Co., Utah J. H. BranchPrice, Emery Co., Utah J. H. GeddesParatise William, GeddesParatise William, GeddesPinan Grove M. J. RichardsPiymouth, Boz Elder Co. G. D. Gibbs
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These PILLS act with great mildness, and may be taken at any time with benefit. They cure all forms of Malarial Diseases and Fe- vers, and should be used to stimulate the Liver and Kidneys to healthy action. They are invaluable for Headache, Billiousness	John MorganHill Creek, S. L. County J. H. BarkerNeuton John NafNeg's. East Mill Creek L. A.BaileyNeg's. East Mill Creek C. A. NorthNorth Ogden C. A. NorthNorth, S. L. County Lorenzo Brown, Nutrow, Apache Co., Arizona Peter AndersenOak Creek Thomas ChamberlainOak Creek Thomas ChamberlainOutory, Idah Joseph HallOutory, Idah Joseph HallOutory, Idaho Oakley Co. opOxford, Idah Oakley Co. opOte, Rio Arriba Co., N. M J. W. CrowbyOverfon, Lincoln Co., Nevada A. M. FindiayPrice, Emery Co., Utah J. H. BranchPrice, Emery Co., Utah J. H. SuttalfPima, Graham Co., Arizona Paris Co-op,Price, Emery Co., Utah J. F. MaddisonPrice, Emery Co., Utah J. F. MaddisonPrice, Emery Co., Utah J. J. GibbsPrice, Emery Co., Utah J. H. SuttalfPima, Graham Co., Arizona Paris Co-op
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W. Paul..... Rezbu

