

ing, in A. D. 1500, of Cortez and his troops, the writer says: "To the amazement of his soldiers, who fancied themselves to be the first to tread the soil, they found themselves in the midst of vast ruins, the incontestable proofs of mighty generations who had disappeared. As they penetrated the deep forests they found vast areas covered with pueblos (villages), estufas, temples, palaces, monoliths, statues and pictographs, out-rivaling in marvelous magnitude and complexity the antiquities of Egypt or Assyria, Judea or China."

Here is an association of objects discovered in the abiding places of the Jaredites which, like a picture, brings before the mind of the Book of Mormon student, the works and history of that ancient race. These were not the characteristic handi-works of Romans or Greeks, Moslems or Jews. The Nephites were Israelites; and numerous traces of their Abrahamic descent and Mosaic training exist in temple, altar, and Hebraic type and symbol, attesting their settlement upon the land. The Israelites who lived subsequent to the sixth century before the Christian era, did not copy the architecture, nor observe the burial customs of the Egyptians, the Babylonians, or Assyrians. They did not build Asiatic pyramids, monuments and temples, and raise monoliths and earth-mounds in the peculiar style of the early post-deluvians. These strange and incomprehensible remains of the ancient world are fossilized images of the thoughts of a strange and peculiar race. They regarded the earth as their present and future dwelling-place, whether upon or in it. They loved the earth, and delighted in handling and appropriating its materials.

Their ideas were huge and ponderous images, and these were reflected upon, and wrought out in enduring substances—the everlasting rocks. Their thoughts were strangely material. They found a word in every object and wrote it upon stone with an iron point. They made architecture a language, and conveyed wondrous knowledge by configurations and graded lines in masonry. They made even empty spaces speak. They did these things in Ninevah, Egypt and Babylon; and they did the same things in North, Central and South America.

Scores of examples exist of the truth of this averment. And they might be given and described, but it is deemed unnecessary here, as their existence is becoming well known to the general reader.

J. H. KELSON.

[To be continued.]

A LADY IMPRISONED.

The Ogden *Standard* of Jan. 12 has the following:

During the afternoon session of the First District Court yesterday, the grand jury filed into court, having in charge Mrs. E. C. Hendrickson, of Logan. Assistant U. S. Attorney Hiles stated to the court that she refused to answer the question, "Did your husband marry any other woman on the same day?" referring to the date of witness' marriage, on the ground that she was the legal wife.

Mr. Kimball stated that inasmuch as she claimed to be the legal wife and had already sworn that her husband had no wife living at the time he married her, she was the legal wife, and under the ruling in the Miles case she was a privileged witness when in a case against her husband, and was not compelled to testify.

The court did not think it came under the rulings in the Miles case, and ruled the question to be proper.

After consulting with her attorney, Mrs. Hendrickson retired to the grand jury room, but soon returned again in charge of the jury, as she had again refused to answer the question.

The court asked Mr. Kimball if her answer was according to his instructions.

Mr. Kimball stated that if she was the legal wife she had a right to refuse. The grand jury could not examine her on her *voir dire*. That was only within the jurisdiction of the court. The court must first decide the question of privilege. If she was the legal wife, she could not be compelled to answer. If not, then the question was proper. Until this point was decided the court could not punish her for contempt. She had appealed to the court from the grand jury. The court could not say that they should determine her claim.

Mr. Hiles stated that the only point raised was "is the question proper?"

Mr. Kimball replied. It must first be determined whether she is the legal wife or not. If she was a witness in a trial against her husband and she claimed her privilege as the legal wife, the petit jury would be sent out while she was sworn on her *voir dire* that they might not be influenced by such testimony as might be produced. "What is the difference between fifteen men sitting here (pointing to the grand jury) and twelve men

there (pointing to the petit jury box)?" They should be sent out while she is being examined by the court, and she should not be punished for contempt until her claim is decided unfavorably. It is out of the power of the court to order her committed until then, and the grand jury cannot ask it.

Here Mr. Hiles arose and in a very impatient manner said that if every contumacious witness was allowed to set up his or her claim in this way and appeal to the court, the whole time of the court would be taken up in determining such claims. If this is a proper question, and the court has so ruled, she should answer. She has refused and should be committed for contempt. There is no use of trifling with these people, but to see that the judgment is carried out. In order for the jury to determine her claim she must answer the question. If answered in the affirmative, the next question would be which of the ceremonies was prior to the other.

Mr. Kimball reiterated what he had previously stated and said that the argument used by Mr. Hiles, namely the consumption of the court's time, was simply an unfortunate point in law. It could not be changed now. The law confers the privilege and the witness claims the right of that privilege. She has testified that her husband had no wife living at the time of her marriage with him. She is therefore his legal wife and does not appear in contempt.

The court stated that that was only her conclusion; she could not know whether her husband had another wife. The only instruction asked by the jury was, "Is the question proper?" The court is only to pass upon the question of competency; it is not to determine issues arising in the jury room. They simply ask her the question in order to determine if she is a privileged witness. She refuses to testify, and I don't think she can do it.

Mr. Kimball asked that question and witness' claims be reduced to writing so that she could take exceptions.

This was done, and Mrs. Hendrickson was committed to the penitentiary until such time as she expressed a willingness to answer. She was given in charge of her brother, George C. Parkinson, until this morning, when she will leave for Salt Lake City.

Notice has been filed of an appeal to the supreme court, and it is thought an attempt will be made to have her released on *habeas corpus* next Tuesday or Wednesday.