

to be arbitrary, but if it was insisted upon, must commit the witness.

Mr. Moyle suggested that the witness have the privilege of consulting with counsel.

Dickson said he protested against any trifling or defiance. He wanted an answer compelled and no time given.

LeGrand Young—Judge Zane has given witnesses time to consider, and it did not infringe on the dignity of the court.

Dickson again opposed the request.

Mr. Moyle suggested that the court had said that some time ought to be given, and as counsel on the other side sought to compel the court it indicated that there was vindictiveness.

Baskin then made a speech urging the court to act summarily.

The court said many witnesses had declined to answer questions, but they were not insisted on. This case was, however, different.

R. W. Young—We only ask a postponement till morning, at the same time wishing to preserve the dignity of the court.

There was further discussion, and the court said it would commit Mr. Penrose for contempt.

Mr. Penrose—I would like time to consult with my attorneys, and respectfully request the court to defer action till tomorrow morning.

P. L. Williams opposed the granting of the request, and said the witness was defying the laws of the land.

Court—I feel it is my duty to commit this witness. But he says he has reasons which he cannot state here, and in view of that fact will give him till tomorrow morning to consider whether he will answer or go to jail. But this will not be a precedent.

Court adjourned till 9:30 Nov. 20.

When court resumed its session November 20th,

#### MR. PENROSE

again took the witness stand.

Dickson again asked the question—How many wives have you?

LeGrand Young stated that if the witness still declined he should make a written answer to the court, giving his reasons, and denying any intention of contempt.

Baskin—Does he intend to answer?

LeGrand Young—He does not. I am stating it for him, and ask the court to permit a written statement of his reasons.

Court—You may file such statement. The counsel have a right to insist on the answer, and he will be committed for contempt. He will be committed in the penitentiary.

Dickson—We ask that this investigation be continued till he answers.

LeGrand Young—That is not right. We are not responsible for this, nor is Mr. Moore. This case should be drawn to a close; we want to introduce more testimony.

Dickson said he was unwilling to proceed without cross-examining Mr. Penrose.

Baskin—He is their most important witness, and without a cross-ex-

amination the case before the court would be imperfect. We could strike the testimony out.

LeGrand Young—Mr. Penrose is willing to answer any question—except as to his family affairs. There is no pretense that he has not been a polygamist. I don't think the court has power to go over Mr. Penrose's actions that have been amnestied. I have the authority of the United States Supreme Court for this statement. They expect to follow him back through his life, and I say they have no right to do so.

The court said that the amnesty did not wipe out the fact that he had violated the law. The witness was one of the most important men in the Church, and as to the fact whether he had violated, or had taught violation of, the laws of the United States was pertinent, he cannot answer in the way he has. He is squarely in contempt. He is upon his dignity.

LeGrand Young—No, your honor, he is not. They show that they intend to pursue him into that for which he has been pardoned.

Mr. Moyle said this proceeding had been instituted to deprive men of the privilege of citizenship, and the scope of the evidence had been very broad. Because a witness now refused to answer, was no reason for postponing it. The question had no relevancy to the issue. The evidence that had been admitted by the court, to a great extent, was not lawful.

The Court said that so far as the applicants for naturalization were concerned it would be right to continue this case till the witness did answer. But the court will go on.

Dickson said they expected to show that the witness misstated facts when he said the Church had not dictated in political matters. He expected that blood atonement would be shown to be a doctrine of the Church, and that they considered it would yet be enforced against those, for instance, who committed adultery. We say that no member of the Church has any right to citizenship, and the government now purposes to take that position by its authorized representative.

Baskin—When this case ends, which ordinarily would end in a day or two, he will be released from the penitentiary, and I think the court should keep him in the penitentiary, long enough to make it irksome, and should make him an example. The case should be kept alive for a whole year if necessary.

R. W. Young—It seems to me that the other side are arbitrary in their manner, and it is quite plain to all.

Baskin—We can't go on today anyhow.

LeGrand Young—Mr. Penrose stated emphatically that he will not decline to answer any question that is proper cross-examination.

Court—Mr. Penrose must answer the questions that are held to be proper.

The anti-"Mormon" demonstrations that had frequently been made during the examination again broke forth, but in a more marked degree,

there being stamping of feet and clapping of hands.

Judge Anderson interrupted it, and made an order that if it was repeated the court room would be cleared.

P. L. Williams urged the court to adopt Baskin's plan.

Judge Anderson said he had to go to Beaver next week and the case could either be finished before then or be postponed till after he returned. "I propose that this witness must answer this question, unless he puts his refusal upon the one ground that he can put it on—self-crimination. If any witness refuses to answer any question except upon legal grounds, he will be compelled to answer."

The court continued the investigation till 10 a.m. November 21.

November 21, there was another large attendance of anti-"Mormons" and a few "Mormons" at the City Hall, where Judge Anderson's branch of the Third District Court is making its inquiry with reference to the eligibility of "Mormons" for citizenship.

LeGrand Young stated to the court that the case of the defense was through with the exception of a little documentary evidence and the testimony of two or three witnesses, one of whom was sick. He wanted to know, however, what the court proposed to do with Mr. Penrose's testimony.

Dickson objected to the case being closed till Mr. Penrose should answer. The striking out of his testimony was not sufficient.

The court said that the case would not be closed till Mr. Penrose should answer, whatever time that might require, and as to the applicant Moore it would be kept open till Mr. Penrose's cross-examination was completed.

LeGrand Young thought that the most the court should ask was that his testimony should be stricken out. The defense wanted it in. If all the objectors want is cross-examination, they could have done so without referring to Mr. Penrose's private matters. Their whim should not be allowed to block this whole case, because the witness would not publicly state his family affairs. The defense wanted to know their standing.

Court—Mr. Penrose's testimony will not be considered till he submits to cross-examination.

LeGrand Young said they wanted to introduce the documents referred to by Mr. Penrose as evidence.

Baskin said there would be no objection to that.

R. W. Young offered in evidence a letter of Col. Steptoe and several other United States officers and officials, recommending Brigham Young for reappointment as Governor, and testifying to his firm adherence to the Constitution of the United States.

The court, on Baskin's objection, refused to admit it.

R. W. Young then read an extract from the dedicatory prayer of the Kirtland Temple, asking that the principles of the Constitution be established on this land forever.