

OUR OGDEN LETTER.

VERDICT OF GUILTY IN THE SCANDAL CASE.

OGDEN CITY, Utah,
July 21st, 1886.

Editor Deseret News:

PRIMARY MEETING.

The primary meeting of the People's Party was held in the Third Ward meeting house on Tuesday night, July 20th, 1886. The meeting was called to order by Hon. L. W. Shurtliff, who nominated Thomas D. Dee, Esq., for chairman, which was seconded and carried. Mr. A. W. Millgate was elected secretary. The proceedings were opened by prayer. The chairman stated the object of the meeting was to elect six delegates to the People's Party convention to be held in this city on July 26th, 1886, to elect the precinct officers for Weber county. He stated that nominations were then in order. The following gentlemen were elected from the various wards named below:

Joseph Jackson, First ward; W. G. Child, Second ward; John W. Taylor, Third ward; Thos. J. Stevens, Fourth ward; Thos. D. Dee, Mound Fort ward; E. Stratford, at large.

On motion of Mr. Jos. A. West six alternates were elected instead of 3, as follows: Frederick Garner, Thos. Doxey, H. H. Goddard, Jos. F. Burton, Augustus Livedahl, James Taylor.

Mr. Moroni F. Brown was nominated for constable for the Ogden Precinct.

The above elections were unanimous, and there was scarcely a second candidate placed in nomination. The proceedings were characterized by peace, harmony and good order, and scarcely occupied an hour in their transaction. The reporters present were requested to publish in the several journals they represented.

The meeting adjourned *sine die*.

THE FIRST DISTRICT COURT

This morning at 10 o'clock Chief Justice Zane occupied the judgment seat, the petit jury were in their places, the courtroom was again filled with spectators, the defendant, A. C. Greenwell, sat inside the bar. His case was again resumed, and Ambrose Hill was again called to the witness stand, but nothing new was developed by what he said. The queries and replies were similar to those of yesterday.

CHARLES W. HEMENWAY

was the next witness. He resides in Ogden City, and is Editor of the Ogden Herald. He knows Judge Powers and knows of Sarah Herrick. He had heard the alleged scandalous reports relative, and damaging, to the character of Judge Powers and Miss Herrick. He received the report first from the local reporter of the Herald. When he afterward heard it, it was from common rumor. Several weeks since, perhaps two weeks previous to the first of July, witness found on his table in his office certain writings containing a blank affidavit, containing statements damaging to the characters of certain parties in this city, intimating that one was a *de facto* Federal Judge, and the other a young lady of this city. It did not state the names of the parties. A note was attached to the affidavit asking what he thought would be the result to a certain judge—supposed to be Judge Powers—if these papers were placed in the hands of Hon. P. H. Emerson and sent to Washington. The writings intimated that the male party had been guilty of seduction. The papers were not signed, but contained the number of a certain post office box in this city. Witness did not know, neither had he an opinion as to who the writer was. After reading them he returned them to the P. O. box indicated by the number.

After a thorough and persistent probing with questions by Mr. Dickson, the witness admitted that he understood the parties referred to in the affidavit were Judge Powers and Miss Sarah Herrick. The writing covered four sheets of paper, and there were three forms of affidavits. Witness read one, and glanced over the others casually. The only name that appeared in the writings was that of Judge Emerson. Witness did not show the papers to any other person, neither did he talk with any other person about them before he went before the grand jury. He did not ascertain to whom the postoffice box belonged.

PHILLIP FORD

next occupied the stand. He is a member of the grand jury. He was at the sitting of that august body on the 2d of July. Previous to that day witness stated he had a conversation with Greenwell in relation to the report that had been in circulation adversely to the reputation of O. W. Powers, and told him that someone was liable to get into trouble about it, and referred to some papers which he said Mr. Hobson had prepared, in the rear of the Greenwell butcher shop. They were drawn up in the form of affidavits—but witness said Greenwell did not know whether they were "affidavits" or papers. They were presented to defendant but he did not sign them. At that stage another person came up to order meat, and witness left; but before doing so he told defendant that the reports about Powers was a concocted scheme to injure him, and defendant replied: "Of course it was, and they would not get him to sign those papers."

JUDGE O. W. POWERS

was sworn, and was the O. W. Powers

named in the indictment. He had heard the indictments read. Was first introduced to Miss Herrick either in June or July, 1885. He had no distinct recollection of speaking to her scarcely any time during the latter part of 1885. During the present year he had met her on the public street, when he lifted his hat to her. He had never been out riding with her in a carriage at any time. He had never walked out with her. He had never driven out with her on the sand ridge, nor with any other lady. He had driven out in the east part of this city with Mr. Winn, reporter of this court. He had once driven through the streets of Ogden, once in broad daylight, with a lady friend—and he would do so again. Defendant had never seen witness on the sandridge with a lady, nor in any other place, neither had any other person. Witness had never driven out, at any time in this city, after dark at night. He was out riding in a buggy on or about May 3d last, in this place, about 6, or 6:30 p. m. He had Mr. Elias Nelson's horse "George."

MISS SARAH HERRICK

was next placed on the witness stand. She is 24 years of age. She is well formed, of comely features, neatly dressed, and bore herself in a ladylike manner. She was calm and self-possessed and gave her evidence with a modest dignity natural to her. She is the daughter of Hon. Lester J. Herrick, ex-Mayor of Ogden City. She knew Judge Powers—that is she had merely a slight acquaintance with him. He had never at any time invited her to walk out with him. She had never done so. She knew Riverdale, in this county; had been there a number of times; but had never been out riding there with Judge Powers, neither on the thirteenth day of April last, nor at any other time or place. On the night of the 18th of April, she was at a birthday gathering at the residence of Hon. D. H. Peery, Mayor of Ogden City. She had never had any association whatever with Mr. Powers, at any time. They had met several times on the public street, when he had saluted her, but nothing further. She was somewhat acquainted with young Greenwell, but not very intimately. Indeed she knew but little of him before he opened the shop on Main street. There were several brothers of the Greenwells, but she was some time before she could tell them apart. Her acquaintance with them was not intimate. Her statements were made in a very deliberate style, which were not shaken or changed in the least by the cross-examination.

Charles Nelson was called. He is a livery stable keeper, and testified to letting Judge Powers have a buggy and a horse named "George" on the 3d of May last. It was in the evening early. John M. Dee testified that he let a team to Powers in May or June in 1885, but but at no other time.

Wm. Carroll testified that the Judge never patronized his (witness') livery establishment at any time.

O. W. Powers was recalled and stated that on the 12th of April he rode out with a lady friend from Provo to Springville, in Utah County.

Court then took recess till 1:30 p. m.

AFTERNOON.

The first witness this afternoon was Ira E. Spalding, a grand jurymen. He testified that several days since he had a conversation with the defendant, in which the latter spoke of the affidavits which were alleged to have been prepared by Mr. Hobson, and that he had refused to sign them. Defendant told witness that Hobson said he wanted to get up something against Judge Powers and for this purpose he had prepared the papers and wanted Greenwell to sign them.

Charles Duaneane was sworn and testified that a short time since he asked defendant if what he had said was true. He replied it was. Witness told him he was foolish if he allowed any one to mislead him in this matter. He might get into trouble. Defendant replied "Well, if I have to go to the 'Pen' I shall not be alone; some one else will go with me"—meaning Mr. Hobson. This closed the evidence for the prosecution.

THE DEFENSE.

After a silence of about twenty minutes Judge Emerson opened for the defense. For this purpose he took the witness stand. He said he never heard Greenwell speak, nor did he see a word in print on the subject until the Saturday before he went before the Grand Jury. He made this statement as a personal matter, and desired to do this under oath.

Hyrum Stuart was called as a witness for the defense. He lived at Kaysville. The road to it from here runs through Riverdale. He knew defendant. His first acquaintance with him was about the 3rd of April, when witness let him have some sheep. The direct road from Kaysville to Ogden lies north, and is about 16 or 17 miles distant. Defendant left witness's place with the sheep about 10 a. m. No one was with him. That was all he knew of the matter.

Adam Russell, being sworn, said he lived at Riverdale. Knew Greenwell. Saw him some two or three months ago pass his house in the morning. He was going south. He returned about dusk the same night, and witness saw him just above Riverdale. He was on horseback. When he returned he was driving a flock of sheep. Witness thought it might be three months ago. That was all he could say.

Ambrose Greenwell, senior, was next

called. He is father of the defendant, and is serving a term of twelve months in the penitentiary for violation of the Edmunds law. Witness said the time the sheep were purchased at Kaysville from Stuart, was on Wednesday, some time in the latter part of April. Defendant brought the sheep home. He arrived with them very late at night; he thought near 11 o'clock. He knew the road from Kaysville to Ogden, and described it and the benches south of Riverdale. Thought it would take over an hour for the sheep to travel from the first bench south of Riverdale to Ogden.

S. H. Hobson, Ogden correspondent of the Salt Lake Herald was next called and sworn. He knew the defendant. Had visited his place of business at various times. He was asked to state whether at any of those times he had prepared any writings for the defendant to sign. Objected to by the prosecution, as irrelevant. The point was argued, the objection was sustained and the witness was excused.

A close and apparently deep consultation then ensued between the attorneys for the defense, in which occasionally Mr. Dickson joined. It lasted about 15 minutes, during which time the defendant was absent from the courtroom. On his return, Mrs. Adeline Greenwell, wife of defendant, was sworn, and testified that he was at home sick all the days of Thursday and Friday last.

Judge Powers was recalled and testified that on the 26th of April last he was in Salt Lake and occupied room 25, at the Continental hotel. The statement was corroborated by the clerk of that establishment who was placed on the stand and produced the record, containing the register of the house.

Alma Winn testified to seeing Judge Powers at Salt Lake on the date above stated. John Tyler, clerk of the Broom Hotel, Ogden, testified that Powers left Ogden on the evening of the 26th of April, after supper, for Salt Lake City. He was also at the Broom on May 3d.

Ambrose Hill was recalled, but nothing material, or new was elicited through him. This was the last witness for the defense.

At 3:30 p. m.

MR. DICKSON

addressed the jury for the prosecution, in which he stated that they had proved that a libel had been published in relation to Judge Powers and Miss Sarah Herrick. There had been various scandalous rumors afloat in the city connecting these parties. This rumor alleged that Judge Powers had seduced Miss Herrick. He reminded the jury that the grand jury had summoned Mr. Greenwell before them, thinking he might throw some light on the subject. He was sworn and declared that at the time specified, on the night named in the indictment, he saw Judge Powers at the place named sitting in a buggy, to which was attached a double horse team, and Miss Herrick was standing by the hind wheel of the carriage. He testified that he knew them both, and that he could not be mistaken as to their identity. Counsel then received the evidence of the witnesses, by which it had been proved that Judge Powers was now in this country at the time named, and that the acquaintance of the Judge and Miss Herrick was of the most casual character, and that it was fully evident to him and must be to the jury that the defendant was guilty of perjury, and that they would so find in their verdict.

MR. J. N. KIMBALL,

for the defense, next addressed the jury. He endeavored to impress them with the alleged fact that there was only one witness who testified that a libel had been published at all, and that witness was C. W. Hemenway, who testified that certain papers had been placed on his table, where he found them, and that, being three in number, he read one of them and glanced at the others casually, that they contained some scandalous reports about the conduct of two persons, whom he believed were Judge Powers and Miss Sarah Herrick. But counsel reminded the jury that they had not seen the papers and that they did not know their contents, and that so far as the jury were concerned, or knew, the writings might in all probability refer to some other matter altogether foreign to that alleged by the one witness. He argued that the publication of a libel had not been proved. Counsel referred to the conviction of the father and brother of the defendant who had been convicted for "unlawful cohabitation." He showed that they came into court and were convicted on their confession. Counsel did this to prove to the jury that, if through the statement of the defendant a libel had been published, his statement had not been made by him maliciously, for it had been stated by witnesses on the stand that he had absolutely refused to sign the papers which, it was alleged, were prepared for him to sign to damage the character of the prosecuting witness. The jury therefore could not find him guilty of perjury.

Dickson followed in a bitter tirade against the "Mormon" church, which he said had taught and encouraged falsehood and perjury, and had taught the people to commit these things for the "glory of God." Counsel appeared determined to inflame the minds of the jury with bitter hate to insure the verdict of guilty against the defendant.

At 4:30 p. m.

THE COURT

charged the jury, in the course of which

it recounted the charges set forth in the indictment found against the defendant. The court defined for the benefit of the jury the crime of perjury, which was false swearing against a person to his injury. The jury are the sole judges of the evidence, which they must thoroughly consider in making up their verdict. The charge occupied but a few moments and at 4:35 the jury returned. The jury were absent 30 minutes when they returned into court, answered to their names, and by their foreman, Mr. Brewer, returned a verdict of

GUILTY

as charged in the indictment. No recommendation was made by the jury as to any mercy to be shown to the defendant. He is to be sentenced on the 27th inst. The penalty for this offense is not less than one nor more than five years. Judge Powers expressed his gratitude for the manner in which they had vindicated his reputation. Court then adjourned till next Monday at 10 o'clock a. m.

WEBER,

HAND TO HAND.

A Terrible Encounter with a Bear.

Thrilling Experience of an Old California Miner—An Old Forty-miner Gives Some Interesting Reminiscences.

Meeting an old friend, Lew C., who had journeyed with me from New Orleans to California in the early days of 1850, and with whom I remained during parts of that and the year 1851, our conversation naturally drifted back to the scenes of our early life, recounting over our mutual and individual experiences. I was engaged in hunting during part of the winter of 1850-51 for the San Francisco market, and in the fall of 1851 for our mining camp, and having had several encounters with the much-dreaded grizzly, and these forming part of our conversation, he suggested that as bear stories were part of the literature of the present day, I write out my experience with the brute.

Shortly after the celebration of the admission of the Golden State into the Union, old Nat Vise and myself joined a party of hunters in the coast range below San Francisco, and about 25 miles from San Jose. Deer was abundant, and we soon sent a load to the city market. One evening, having changed our camp, and while the party were pitching tent, I took my gun and went over the crest of the hill to look at the lay of the ground for the next day's hunt. A fine deer walked out of the brush about 60 yards away, and was immediately shot down. Before my gun was loaded a large buck came out, sniffling the air, and a moment later he fell at the crack of the gun. I proceeded to dress and hang them up, and it was quite dark when I got back to camp. The next morning before breakfast two of my new pals and myself started to bring in the deer. There was but one hanging. We soon discovered where the other had been carried into a deep ravine. Not venturing to follow we skirted along until we came upon an abrupt precipice some thirty feet high and on open ground. At the base of the ledge three grizzlies were feeding on my deer. One of the party who had the pack mule, started for camp; the other, Singleton, and I selected our game and fired; the aim was true: the bears dropped, each with a broken back. The third one was very demonstrative, rushing up to and trying to scale the precipice, then back to the larger dead one, and anon tearing the bark from a large pine tree; but soon he had his quietus, and we began to think that grizzlies were as easily killed as small game. We then had a full load of game. Transportation was obtained, and Vise went to the city to sell, purchase supplies and return with the proceeds. He never returned, but sought political preferment, and the next we heard of him he was a candidate for Sheriff of one of the mining counties, and posing as the old Grizzly Killer. When last heard from, being unsuccessful as an aspirant for office, he was living at Los Angeles on his reputation.

With varied success we passed round the head of the bay, through Livermore's Pass and into the hills beyond. Here we found abundance of deer, but occasionally one that we had to leave out over night was carried off, evidently, by the tracks, by a very large and smaller bear. This large bear had a name, and was known throughout that section as a killer, having killed one or more and desperately crippled three others. Finally Singleton and I determined we would suffer no longer by her depredations, but would follow her to the death. One afternoon we discovered her upon open rolling ground, but the discovery was mutual. She moved off, the cub following. We pursued over hills and across ravines until she finally passed out of sight in a small clump of woods on the crest of a hill. We determined to go to this point, and failing to get a shot, return and keep up the pursuit next day.

I was in front, and when about 20 feet from the brush stopped to fix my shoe lace. I heard a short snarling growl, and immediately the huge monster launched herself from her lair to within ten feet of where I stood. My eyes caught hers, and for a moment she paused. Shooting from my hip she fell, rolling past me, and as she passed Singleton she received the contents of his gun. She rolled to the bottom of

the hill, recovered herself and came again, but again was shot down. She then took up the opposite slope the cub following. The fifth or sixth shot I fired at the cub; he fell dead, never moving. We continued shooting the old one until she passed into some brush. The next morning we found her stark and stiff, literally riddled with bullets. The cub weighed dressed 200 pounds, and the hindquarters of the old one, she being very fat, together weighed over 400 pounds. This was the largest bear I ever met.

We hunted with various success until early spring, when I went to San Francisco to live. The 3d of July I found my chances for business good, and meeting my friend Lew, we again, in company with a young man—Johnny C. S.—now of Yosemite Valley, essayed the mines. We purchased into a company turning the Tuolumne river at Jacksonville, but the venture was a failure. We then went to Deer Flat and engaged in mining, throwing up dirt for winter washing. Having little credit and no water to wash our dirt, I again took to hunting at the same time prospecting above Savage's Flat, about ten miles from our cabin on Deer Flat. We had some success, but my partner in hunting, Texas John, joining a party of prospectors, left, and I then united with Peter Hoffman, formerly of Shelby county, Indiana, in the hunting business, the mining camp still running, with Leed in charge. Our hunting tent was on a branch or flat above the Tuolumne river, and our hunting ground extended six or eight miles beyond. There was an Indian camp within a mile of us, and the Indians frequently would aid us in deer-killing, for which we shared with them. Many depredations had been committed lower down the ridge by a grizzly. One Jackson had been severely wounded; also old man Pullen. This bear seemed to attack indiscriminately—was on the war path. Before daylight on November 9, 1851, I was awakened by the appearance of a band of Indians. Supposing they meant fight, I hastily awoke Hoffman. We seized our arms, but old Cowchitty, the chief, making signs of peace and calling out *Ainegos*, came up, and from him I learned that the bear had made an attack on their camp and wounded two of their number. They wanted our assistance to pursue and kill the brute, if possible.

The preliminaries were soon all arranged, and Hoffman and I were taken about two miles on the ridge, and each stationed at the head of a gulch, the Indians having tracked the bear into the ravine into which these gulches debouched, and apparently knowing that when the bear was disturbed in his lair he would make up one of these gulches. The Indians disappeared, and for over two hours not a sound indicating anything particular was heard. Then came the faint barking of the dogs, and occasionally a shout from an Indian. Presently I heard a noise down my gulch, and I saw the bear coming toward me in his swift but shambling gait. I fired at him, but with a roar he came right on. I took to a small tree, and when about eight feet up the bear was at the foot. I could go about three feet higher, and standing on a limb could have a fair view of the brute. He was bleeding from the right side from my bullet, evidently a mortal wound; but he still kept watch and ward, trying to reach me with his paws, then rushing off for a few yards and returning. This was growing monotonous. Finally I heard Hoffman and the Indians coming. The bear left me and went down the hillside in thick brush. Hoffman was anxious to follow him. The Indians advised by signs against our doing so; but after waiting an hour and thinking the effect of my shot had told, I concluded to go in. The Indians left, but Hoffman and I kept on. About every fifty yards we would find where the bear had scraped off the surface of the ground and rolled. He had bled profusely, and we expected to come on his carcass every moment, but were still cautious. We emerged into an opening in the brush about ten feet wide and thirty to forty feet long. We were about six feet apart. The bear with one bound landed right between us. Hoffman's gun went off, and the bear went at him. Fearing I might shoot Hoffman, I stepped to one side to get him out of range, when from excitement, or touch of the hair-trigger, my gun went off. It was a very heavy gun, weighing fifteen pounds. The bear immediately left H., who was unscathed, and came at me on his hind feet. I swung my rifle with all my force, striking him in the mouth, and, as afterward demonstrated, knocking out an upper and lower tusk on opposite sides. The bear went down, but was up again, as was also my rifle. Again I struck, but the paw of the bear was interposed and my gun went flying in the brush. The bear was again on his feet, and being very active I sprang over him, ran a few feet in the open space and then jumped into what I supposed was a clear space on the lower side. I went down into a small slide or sand-wash, probably 20 feet—it might have been greater—but the bear with me. Lighting on my feet I drew my knife, a short butcher-knife, but quite sharp. The bear had me down the first pop, and it was bite, cut, cut, bite, until finally he worked himself up until his fore feet were under my armpits. I stabbed him in the neck; he bit the knife out of my hand. Then I got my right hand in his throat and tried to pull out his tongue. He jumped back, terribly lacerating my right hand. I then whirled over on my face and feigned to be dead. He walked over me and gave me three