

character, but couched in different language, were ruled out.

Mr. Rawlins—I will now put it squarely to counsel. They have said that we have sought to assail this woman unjustly. I defy counsel to permit us to show the true character of this woman. (With considerable warmth and shaking his finger at Mr. Varian): Counsel dare not do it. They have planted a charge—an infamous charge—against this defendant, basing that charge on the testimony of this woman. We offer to show by this witness, who knows the fact, and knows her associates, that she is a carousing prostitute and a drunkard; but we defy counsel to permit us to do it, for they know well enough that to permit this testimony to come in here will show that this woman is utterly unworthy of belief. Therefore they introduce this objection—and it is for no other reason on earth—to bolster up the false and fictitious charge against this defendant. They and their betters, the newspapers, have called her “a radiant angel.” (Addressing himself to the prosecution): We want to know now and here whether you dare permit us to do it.

Assistant District Attorney Stephens rose to speak, but the commissioner said he did not care to hear any argument upon the question. “I want to say right here” (remarked his honor), “that I have already ruled that counsel may show the reputation of a witness for chastity by general reputation, but they cannot show specific acts to affect that general reputation. That is the law, as I understand it. Some evidence has gone into this case without objection. It was not for the court to raise the objection showing certain specific acts, but whenever the objection has been made I believe I have uniformly sustained it.

The question of the admissibility of certain evidence on this head having once more been sprung,

Mr. Varian hastily jumped to his feet, and shouted and gesticulated at counsel on the other side until he fairly shook with anger. He began by referring to the manner in which, as he said, the defendant's counsel drew out statement after statement from the woman Essie Banks, and contrasted the latitude allowed by the prosecution in that instance with the unfair way in which the other side now sought to interrogate this witness as to Miss Prindle's character, with a view to blacken it. Mr. Varian adverted to the colored man—who will be remembered as Essie Banks' sweetheart—as “that little negro beast from Alabama.” She was questioned, said counsel, and she gave denials. Notwithstanding this they were permitted to show, to a certain extent, specific acts, by this woman whom they brought here—this keystone to this alleged conspiracy—alleged acts with the guards. Every latitude was given to them. Now after six or seven witnesses, to meet the question of general reputation, have been presented here, they seek to interject this unknown witness at the end of the case. “You stand up here now and attack this woman's (Prindle's) reputation in this community,” shouted Mr. Varian at the top of his voice, “and we throw down the bars to you. We will continue this case for weeks, if it be neces-

sary. Throw your deputy marshals into the houses of prostitution and into the slums of this city and bring up your witnesses if you like. We dare you to do it, and we will continue this inquiry after New Year's if you want us. But we propose to confine you to the rules and laws of evidence. We will not have any bulldozing here; that sort of thing shall not prevent this prosecution from pursuing its course in this investigation to the very core. Bring up your witnesses from the city dives, since that woman's character is at issue here. Where are the prostitutes of the town who know her (again shouted the district attorney, fiercely)? Where are the women who keep houses of prostitution who know her? Bring them in if you can. We will lay down the bars now!

When Mr. Varian had exhausted himself, Mr. Rawlins went to the wickets. He had been worked up to a high pitch of excitement by the words of the district attorney, and thus opened fire upon the adversary—We propose to show that this woman (Prindle) entered by the back door of Masterson's saloon, that she remained there over night with the saloonkeeper; we propose to show her habits; we propose to show how she had fallen, her state of degradation, when she got into that locality—so low that she and Masterson boldly called to the bartender to bring in their drinks before they left their bed in the morning—before they arose from their bed of lasciviousness. We propose to show her reputation in that den of vice. Virtuous women do not go and associate with drunken or sporting men and sporting women; and Dr. Niles and others may not have known of this when they recommended her as a nurse. No respectable man or woman would know it; and when counsel asks us to go into bagnios and houses of prostitution we say—“We go into the saloon where this woman was in the habit of frequenting and sleeping over night with the saloonkeeper. We ask what was her reputation there?” And we bring our witnesses in now to prove it.

The commissioner repeated his ruling.

Mr. Rawlins—If, we are not to be permitted to show the true character of this woman we will stop now, and right here. It is idle, it is a farce. I move now, after this ruling, to strike out all the testimony of yesterday covering all this woman's past history, as being immaterial.

The commissioner declined to accede to this suggestion, and after some further bandying the examination of the witness Schell was resumed.

Witness said he was not acquainted with Miss Prindle's associates outside of the saloon.

Deputy Marshal B. A. Bowman, called by Mr. Varian, said he brought Maggie Forkner down from Ogden after she went before the grand jury and communicated her statement to him to the marshal.

Ex-Warden Vandercook, recalled by the prosecution, said he reported, before the month of October, to the marshal, concerning the duplicate key.

To Mr. Rawlins—Mrs. Parsons used to come up to the penitentiary often. He had no choice in the selection of guards at the penitentiary. They were simply “tools” supplied to him.

Q.—They were your tools there?

A.—No, they were not my tools.

Q.—Mr. Stark was one of the guards?

A.—Yes.

Q.—And you used him as a tool?

A.—I simply used such material as was furnished me by the marshal, and I did the best I could with it.

Q.—Was Mr. Ward one of the tools?

A.—He was one of the guards there.

Mr. Rawlins named other guards and asked—Were those men the tools of the marshal, or of anybody else?

Witness, who began to smart under these repeated questions, replied—I simply used the word tool as an illustration. The marshal asked me to swim a river with my hands tied, and I thought it was unfair for him to do it, and I still think so. I had been looking out for another situation all the time, and intended to send in my resignation as soon as I possibly could.

Mr. Rawlins—If you won't answer my question, yes or no, I'll let you go.

To Mr. Varian witness said he had no power to discharge any of the guards.

Mr. Varian—In what way were your hands tied?

A.—I had no voice whatever in the selection of guards, and if I would give an order to a prisoner, there would be a certain guard there—a fellow named Giesy, a relative of the marshal—who would countermand it right along.

The court then took a recess until two o'clock.

When court re-assembled at 2:15, Dr. Niles was called by the prosecution. He said he had known Anna Prindle for about a year, as a nurse. Her reputation was good, as far as he had heard.

To Mr. Rawlins—Personally he knew nothing as to her private character.

Counsel will probably open the arguments this afternoon, and it is expected that Assistant Prosecuting Attorney Stephens will have the first shot.

The last witness in the Parsons case yesterday afternoon was Recorder J. F. Jack, who produced the record of the business transacted at the meeting of the City Council on September 22, which included the report of the committee which M. K. Parsons testified to have written in Marshal Parsons' office while Anna Prindle was there at the dated named.

This closed the whole of the testimony, and at 3 o'clock the arguments began.

The opening argument for the prosecution was made by

ASSISTANT DISTRICT ATTORNEY STEPHENS,

who said he wished to present his side of the case as briefly and fairly as possible. One of the most important officers in the Territory had been charged by persons under his control with the crime of oppressing them, under the statute. It was a very serious charge, and if true would reflect most seriously upon the defendant. If untrue, it showed a state of mind on the part of those who made the complaint that was most corrupt. It had been the duty of the prosecution to make this inquiry in behalf of the government, which extended its protection over the weakest of its creatures within its