

and memoranda, which we have transcribed on a chart. (This latter was shown to the jury and some explanations made concerning it.) Court adjourned till 2 o'clock.)

Wednesday afternoon's proceedings:

MRS. MATILDA DUDLEY

Sworn. Am wife of the defendant. Married him December 23d, 1872. Left him last January, ostensibly because he smoked and indulged in horse racing, really because Wadman threatened my husband's life if I did not. When I left him we were living at West Weber, about a mile from Wadman's. In 1873, we lived in Willard City. My husband went to Hilliard, and Wadman came to take charge of the farm while he was absent. A few days afterward, Wadman tried to kiss me. I slapped him and he left. That night I awoke and found him in bed with me. He forced me to intercourse with him. He then left. Next morning I threatened to expose him. He threatened my husband's life and my own if I did. He came every two or three nights after that, and repeated the action, until my husband returned. I did not tell my husband for fear he would discard me. Wadman went home. My first child, a girl, was born May 1st, 1874, but is dead. Whenever my husband left home, Wadman would come and have intercourse with me. This was especially the case when we moved to West Weber, near to Wadman's. He told me he loved me. He wanted me to leave my husband, and said he would kill him if he had to wait 10 years. He showed me a pistol. I had concluded not to leave my husband, but Wadman threatened to tell him all if I did not. Wadman told me at Draper that he had told my husband all about it, for fear he would take the children, which Wadman said were his own. He said Dudley should not come down and tell my folks; that if Dudley refused to turn back when he met him, he would kill him and bury him in the sand. He advised me to get a divorce, and spoke of marrying me afterwards. My little boy died the morning Henry left. My husband came to Draper a day or so after Henry. I told him all. He said if he found things as I had said, he would take me back. He left the Tuesday evening before Henry was killed. My husband had no pistol before, but bought one, he said, just before coming to Draper.

Cross-examined: Henry Wadman and I promised to marry each other when he was in Draper. I did not love him but promised. He had intercourse with me from 1873 till 1878. I never made an appointment with him. He came to me. I resisted and tried to reason with him for some time, but afterward ceased to oppose him. After my first child was born I told him he could tell my husband if he wished. I resisted him till my second child was born, when he threatened to steal and drown it, and I again yielded. (In answer to questions, witness said she had never been told to swear to this statement. She knew her testimony was important but had never been told to tell anything but the truth.) I do not live with my husband now.

WM. McDERMOTT

Testified that Wadman went with him to Idaho a year ago, and told him that he had been with Joe Dudley's wife, since he was 18 and was the father of her children.

JOSEPH DUDLEY

The defendant was then sworn. The first part of his testimony closely corroborated that given by his wife, and detailed the conversation between him and Wadman, when the latter told him of his criminal intimacy with Dudley's wife, and if he wanted revenge, he (Wadman) was "heeled" and prepared for him, so it is unnecessary to give it again. He proceeded: After coming from Draper, met Henry Wadman in Ogden, Saturday night. Told him that I was going to take my wife back, that he was a damned scoundrel, and for him never again to darken my door. He said he would darken my door as often as he damned please. The Sunday before the killing he came to Raymond's, where I was living, to talk of a horse trade. I invited him in but he would not go in. The conversation again turned to my wife. I told him I would not injure him if he would not cross my path. Told him again not to darken my door. He again said he would do so as

often as he damned please. (He then related what took place up to the time of Wadman's arrival at Raymond's.) Witness—I gave him a chair and he appeared to be surprised to see Mr. Stephens there. (The witness identified the map;) he wanted to know if Stephens wanted another horse race, and said something about chasing the steer; Raymond raised up to go into the shanty to get some sagebrush. After Raymond got in the shanty, Wadman beckoned me to follow him, which I did; he went out ahead, and turned to the left and south of the house; when we got under the light, he turned abruptly and said to me: "Take it back, or I'll blow your d—d brains out;" I then struck him with my whip, and hollowed "Murder." (Whip was identified); I rubbed against him as we were going out, and I felt what I thought to be a pistol in his hip pocket; when I struck him I jumped and grabbed his arm; as he spoke he reached back as if to get a pistol; I hit him on the head, but did not knock him down; we struggled and fell on the ground, and he kicked me in the stomach, and as he was struggling to get his pistol, I pulled mine and shot him three times; I felt that if I did not kill him I should die myself, and all the injuries he had one me came rushing on me, and I killed him; I got up and reloaded my pistol; I saw two persons in the door, but it was dark and I could not see them plainly; but I supposed they were the persons from inside; I do not know whether I was on both knees or on one; he had his feet in my stomach, and I had hold of his right wrist with my left hand; I then gave myself up to Justice Speirs and told him I had done it in self-defense.

Cross-examined.—I bought the pistol to defend myself against Wadman who said he would kill me. (Wadman had shown Dudley a pistol at the time he told the latter he was "heeled") When I struck him with the whip his face was turned to me. Before I shot him he was reaching for his pistol. I supposed he had taken me out to assassinate me. I believe I fired three shots. I supposed if I did not kill him, he would kill me. When he said "do it well, Joe," I did not suppose he had given up. I don't know whether he said that, before or after the first shot.

Adjourned till this morning.

Proceedings this morning:

The defendant,

JOSEPH DUDLEY

Was again put upon the stand under cross examination. At this time I was living at Spencer Raymond's and had been since the fore part of January. Had been in the house about two hours before Harry came. Intended to stay there all night. Did not understand that Harry was getting ready to go to Snake River. I wanted to see him about a horse trade. He did not come over to show me his team. Did not go to Wadman's for Harry on Thursday. When Harry came on Monday night he seemed surprised to see Stevens there. Believe he had cut his thumb but do not remember that he had it bandaged up that night. Stevens and Raymond were related by marriage, the former having married the latter's sister. When Hyrum Dudley told me at Willow Creek what Harry had said, I told him I would be on the look out. That is all I remember saying about it. Was with my brother between two and three hours. Got to his house before noon about 10 or 11 o'clock and left about 3 o'clock in the afternoon. Know a man named Jos. Smith. He told my fortune several times with cards but do not recollect that he did so after my return from Draper. Recollect telling him about my wife, that she was as good a wife as ever lived. Remember also telling him that Harry was a good, trustworthy boy. He said a dark-complexioned person was the cause of breaking up my family; a person that I thought had been a friend to me; he mentioned no names, however. I probably said I had no hard feelings towards Wadman. This meeting was before I went to Draper, but after I and my wife had separated. I made the whip that is introduced in evidence. I stayed in Draper two or three days. Left Ogden on Saturday morning, coming also from Plain City that morning. Then it was a week from that next Monday when Wadman was killed. The whip in the first place was an

Indian whip, and I covered it with rawhide and then buckskin. Do not know that the butt was loaded. Do not remember seeing Olsen the morning of the day that Wadman was killed. Do not remember saying to him that the whip was better than a pistol. In going from Raymond's house to Willow Creek we do not go near Wadman's house. (Reporter read a statement made by witness on direct examination.) Henry Wadman let me have a pistol in a horse trade about a year ago. I loaded it once and shot it, but left it lying on the cupboard. Wadman wanted it to pay to Dummer, and he took it. I was going from Plain City to Ogden when Wadman told me about my wife, this was about four or five days before I went to Draper.

Re-direct.—When Wadman, on the night of the killing demanded I should take something back, I did not know to what he referred. Just as he said this, or immediately after, he put his hand back as if reaching for a pistol. Do not know how Wadman's thumb was cut or the extent of the injury, but from his actions I did not think it was very sore. The day before the killing I saw Wadman, but do not recollect that he had it wrapped up. Smith had told my fortune pretty true before I was married, and I went afterwards to see if he could tell me about the cause of my wife leaving me. Wadman started for Montana with one of my teams, he went about 25 miles when he was taken sick, and I went to see him. He returned to my farm and I went to Montana in his place.

MRS. RAYMOND

Was recalled: Saw Henry Wadman the Thursday before the killing, when he said his thumb was pretty near well.

Cross-examination: He came there to see my uncle. He said nothing about having been sent for.

Re-direct: John Wadman knew me before the killing.

PRESTON BLAIR.

Had a conversation with Harry Wadman the Thursday before he was killed. I was standing on the platform in Ogden, with some more boys, and Harry came up and asked me to loan him some money. I told him I had none, but Joe Dudley owed me some, and if I could get that he could take it. He said he was in trouble about "this affair," and farther said Joe's wife should not come back to him if he could help it. Have been summoned here as a witness by the prosecution. On a previous occasion I had conversed with Harry and told him I believed he had slept with Joe Dudley's wife. He denied it, but I told him he had better stay away. I lived away from Joe's about one hundred and fifty yards, and had observed Harry there frequently when Joe was away. Harry did not return with me from Ogden.

Judge Williams here announced that the defense rested their case. The prosecution then introduced rebutting testimony and called

CHRISTIAN OLSEN.

Live in Plain City. Live about 15 rods from Spencer Raymond's. Saw and conversed with the defendant on the 10th of February, about 8 or 9 o'clock. Joe Dudley did say to me that the whip was better than a pistol, and that the butt cost him four bits. He said it was a good thing to defend a man with. (The whip was introduced in testimony, and exhibited to the jurors.)

Cross-examination.—Have a little farm of my own. Have known Joe Dudley for two or three years. Stayed at Raymond's when we had the conversation about five minutes.

JOHN SPIERS, JUN.

Was recalled. I went home with the body the night of the killing. Saw a pistol in the house on top of the cupboard, about six feet up.

Cross-examination.—This was two or three hours after the killing. John Wadman was at Spencer Raymond's and afterwards at old man Wadman's. Lyman Skeen says, "There's the pistol, now."

STEPHEN GREEN

Was recalled. I know the Dummer pistol. It was given to me a week after the killing, by Dummer. It was out of order, the cylinder would not always revolve. I traded it off.

Cross-examination. I got the pistol from Walter Dummer. He went into Wadman's house and brought it out.

JOSEPH SKEEN.

Live at Plain City. Knew Henry Wadman. Helped take the body home. Saw the pistol there. I examined it; it was in a dilapidated condition.

Cross-examined.—We got the body home between 10 and 11 o'clock. John Wadman did not call our attention to the pistol. He was out attending the horses.

MRS. WADMAN

Was recalled. Recollect the Dummer pistol being in the house for the two or three weeks before the killing. It was still on the cupboard when Dummer came after it. My son did not have it the day of the killing. (The clothing of the deceased was produced and identified by the witness. It consisted of brown overalls and blue jumper.) He had no other pistol than the one spoken of here.

Cross-examination.—My son took no pistol with him to Draper, because he was not in the habit of carrying a pistol. I know he did not take the Dummer pistol. I made the overalls myself. He wore pants under the overalls. I saw my son when he went over to Spencer Raymond's. He did not tell me that he was not going to take the pistol. I never noticed the pistol while he was away. I left the house that evening and came back next morning.

MR. A. J. ALLEN.

I am father of Jos. Dudley's wife. Remember Joe coming to see his wife. Before he started home he said to me that he and his wife had talked the matter over and had decided to overlook the past, and that he would come and take her to his home.

JOSEPH SMITH.

Know Joe Dudley. He called at my house three or four days before this murder. He said his wife was as good a woman as ever lived, and that Harry was a good boy. He said he had no hard feelings towards Harry.

Cross-examination: I am not a fortune-teller by profession. Joe came to me about the 6th or 7th of the month. He had been to see me about eight days before. I told him a dark-complexioned man was the cause of his trouble, but did not know of any improper intimacy between Wadman and Mrs. Dudley. Was at Wadman's house the day before the killing. Harry showed me the pistol and asked me what I thought about it. It looked like an old pistol. He did not clean it while I was there.

Recess was taken till 2 o'clock.

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