

had been sent up to the Third District Court, were offered in evidence.

Objected to by the defense. Objection overruled.

These complaints were signed by the defendant.

M. L. Cummings was called. He was a real estate agent. Knew where 250 a West Temple Street was; he was agent of Mrs. Mary B. Hempstead; rented the house to J. S. McCall; notified the party to leave about six weeks later, because he heard it was being kept as a house of assignation; had not talked with Mr. Hampton.

Secretary A. L. Thomas was called for the prosecution. He resided at 244s West Temple Street; his attention had been directed to the house next south, by hearing noises in the house, seeing persons around, and hearing vile language in the house.

Officer Salmon was recalled—He had been at the houses referred to. (Identified a plan of one of the houses).

The defense objected to this testimony, and the question was withdrawn.

Witness had seen Mr. Hampton at the house opposite the Continental once; knew of no changes made in the house; they were there when he called; the house had been opened prior to the time when he and Hampton went there.

Mr. Varian stated that he rested the case for the prosecution, and the Court took a recess until 2 p. m.

At 2 o'clock this afternoon the defense opened their case by calling T. C. Armstrong, sen. He had heard of Mrs. Fields, but did not know her by that name; his partner, Mr. Butterfield, had rented her a house opposite the Continental Hotel.

Mr. Hampton, the defendant, was called and testified in his own behalf. He first saw Mrs. Fields from the 12th to the 15th of last May; officer Salmon brought her to the jailor's house; had not seen her or met her before that time; he made an arrangement with her; Mr. Salmon stated she wanted to do some detective work, and defendant offered to employ her on her own proposed terms—\$25 for each case caught; made no contract about opening a house; did not know of her renting or opening a house; made no offer for certain individuals; \$25 for all, "Mormon," Jew or Gentile; had no interest in or had anything to do with any house she was running; never rented a house or arranged for furniture; paid her money for detective service only, \$25 for each affidavit; had heard the testimony of Morris R. Evans, foreman of the grand jury; when he went before the grand jury Mr. Varian said his name might be called in question, and he could decline to testify; he replied he was willing to testify; he had done so, and told the jury that he believed the women kept houses of ill-fame, but did not know; he knew nothing of the renting or furnishing of the houses; there were arrangements made in the houses; he had paid Mrs. Field money, between \$300 and \$400, for detective service; the money was from an association of citizens, and one of them, Mr. Armstrong, gave him the money; he did not know anything of the opening of any house. Witness had no control of the house, and never sent anybody there; he was not in the city when she opened the house, and he knew nothing of it; did not say to the grand jury that he opened the houses, for he did no such thing; had not conversed with Mrs. Fields in the absence of witnesses; understood when the contract was made that she had a house; did not offer \$300 for Governor Murray or anybody else.

Cross-examined by Mr. Varian—Named no amount of money to the grand jury, as handled by him; was license collector for Salt Lake City; had been deputy sheriff, constable, deputy city marshal and policeman; was last engaged as a peace officer about two years ago; was now a policeman, but did not act; the police were not re-appointed with each administration; he considered himself an officer, but not in regular service; had no connection with the marshal or sheriff; had been engaged in the detective service during the past eight months; Officers Salmon, Smith and himself had been engaged in this; defendant handled the money, the others did the work; the object of the detective service was to detect crime, and to break up bawdy houses; it was to prevent sexual crime, and punish violators of the law; had been in the city 30 years; knew most of the haunts of vice by reputation; knew Kate Flint's house; she was reported to be pretty well off; it was a part of the scheme to suppress that house, but they had not got so far; did not hear of houses being next to Secretary Thomas' and below the Metropolitan Hotel before he started in; the City Marshal and Mayor did not enter into the scheme; it was a private detective service; none of the money came from the public treasury; Armstrong spoke to him direct, and all the money came through him, about \$750 in all; paid Fanny Davenport money, and also Mrs. Field; spent some of his own money, and expected to be reimbursed; the first intimation of the scheme was from Mr. Armstrong; did not know where the money came from; the work was left to Officers Salmon, Smith and defendant; Mr. Salmon was then employed in the office; Marshal Phillips was not in the scheme; it was planned by officers Salmon and himself; did not contemplate bringing women to this city; was in San Francisco from July 2nd to 8th; left no money there; made no arrangements with a woman there; saw Mollie

Woodward; did not know her reputation; did not give her money, nor agree to; saw a man named Goldstone there; he was with Mollie Woodward; arranged with Goldstone to get a female detective.

The defense objected to this testimony. Objection overruled.

The defendant testified that a female detective was wanted, the woman was Mollie Woodward; this scheme did not contemplate the opening of a house; he had a pass from Mr. Armstrong over the road; went over in his own name; the particular object was to catch men who took women to these houses for lewdness; expected to catch the guilty, if doors had to be broken in to do so; the women were paid for their detective service; had no thought of furnishing any house; had been through the house on West Temple Street, but had nothing to do with any alterations. (Objected to by the defense; objection overruled.) The alterations were made before he went there upon Officer Salmon's invitation; went to see the room where the witnesses were to be allowed to enter; there were apertures through which to look in rooms on either side; knew Mrs. Fields lived in the house, but did not know how long; had nothing to do with getting furniture, or furnishing any of the rooms; did not know either either McCall or Fiddler; Mrs. Fields offered to do the detective work, and was hired; did not give any instructions, because she did not need any; did not know how she got the houses; when he went away did not give his business in charge of any one; had no intimation what his salary would be; was out of pocket perhaps between \$300 and \$400; did not know how much; had sent some money to San Francisco to get a detective, about \$800; had received some back; his design in the entire business was not to induce certain individuals to commit these offenses for the purpose of exposing and punishing them, but was general, to break up the whole business.

The examination was in progress when we went to press.

FROM THURSDAY'S DAILY, DEC. 24

A Brutal Assault.—Between 7 and 8 o'clock last evening Mrs. James Hurst, of the 4th Ward, who had been to the school house for the purpose of attending the Improvement Association meeting, was just returning home alone, when she was met by a man near her own residence, who, without a word of warning raised a club and struck her on the side of the head. The blow staggered and stunned her, but did not knock her down, and as her screams brought immediate help from her home the miscreant made off eastward in the darkness, leaving no clue to his identity or the motive for his assault. The lady is quiet and inoffensive, and is not known to have any personal enemies, and the mystery of the affair is not likely to be soon if ever cleared up. In the meantime she is suffering considerably from the effects of the blow, her ear and the side of her face being badly bruised and flayed.

Remembering the Poor.—The Bishops of the various Wards throughout the city and the good sisters of the Relief Society organizations are as busy as bees to-day, and have been for several days past, receiving contributions from the well-to-do and generous hearted and distributing the same among the needy; and it is safe to predict that to-morrow will be a day of feasting even with the poorest of the poor. Not alone are those of the indigent who are ever ready to make their wants known supplied by these blessed ministers of mercy and charity, but they take pains also to hunt up the obscure and retiring who are in want—those whose pride prevents them from making their real condition known, and they are all relieved in the most delicate manner possible. Those whose poverty is the result of sickness or such misfortunes as were beyond their control, and liable to befall anybody, and those also, who through their own mismanagement, indolence, prodigality or dissipation are reduced to want, are alike remembered at this season of the year, and so far as possible their wants are supplied and their hearts made glad. Nor are the kindly offices of these dispensers of good things mentioned confined to those of their own kinship, creed or color; the assurance that persons are in need is the passport to their sympathy and generosity—the key that unlocks their treasures of creature comforts.

"One touch of Nature makes the whole world kin."

The object is to relieve distress, to lighten sorrow, and to bring joy to the hearts of the poverty-stricken, whether worthy or unworthy, friend or foe, at least for a time; and whether the generosity be responded to with gratitude and friendship or not, the worthy donors have their reward already in the consciousness of the unselfish giving for a worthy object, and they will yet have a greater one, for "He that giveth to the poor lendeth to the Lord."

THE HAMPTON TRIAL.

THE EVIDENCE ALL IN—A STRONG CASE FOR THE DEFENSE.

BUT THE DEFENDANT IS A "MORMON."

The cross-examination of Mr. Hampton closed with the News report last evening. On re-direct examina-

tion the defendant testified that his aim in the detective scheme was to catch the men, as he had found that catching the women only would not break the nuisance up; expected to catch the men, because they were the ones who supported the practice; the practice could be broken up by catching the men, or by placing guards at the doors of the houses and keeping men out; by these means the business could be broken up.

Ed. L. Butterfield was next called. Before he testified, however, Mr. Lyman asked to be excused from the jury and went outside; shortly afterward word was brought in that he was sick, and a physician had been sent for.

Judge Zane suggested that the case go on with eleven men, but the defense objected and said they were willing the case should go over for the term. Mr. Varian opposed this and suggested an adjournment until this morning, but the Court objected to this.

Judge Hoge stated the defense were willing for the jury to separate if an adjournment were taken; it was not on account of the defense that they had been locked up all night. Judge Zane said he had ordered that from motives of his own. A half hour's recess was taken, and the sick juror was placed on a sofa. The Court then ordered all the spectators to retire from the court room, and the case was continued.

Mr. Butterfield testified that he rented the house opposite the Continental to Mrs. Fields on June 3d, 1885.

Officer Bateman was called and testified that he was present when Mr. Hampton and Mrs. Fields entered into the arrangement at the jailor's house. The woman said she had a house, and Mr. Hampton agreed to pay her \$25 for every man detected; nothing was said about particular men being wanted.

Mr. Bateman was then subjected to a very rigid cross-examination, during which he gave direct and positive testimony opposed to the conspiracy theory; he was a Salt Lake City police officer, and heard all the agreement; Hampton gave the woman no money then, but engaged her for detective work, promising \$25 for each criminal caught; she was to receive nothing till the affidavits were made; nothing was said as to where she was to go; the date was between the 12th and 15th of June; witness had never been charged with any crime.

B. Y. Hampton was recalled. At his meeting with the woman Fields, in the presence of Bateman, Salmon and Smith, was made the only contract which existed; Officer Smith was now sick, and unable to attend as a witness.

Cross-examined—Mr. Bateman's testimony was correct; the date set by him was the right one. Shortly after that defendant went to San Francisco.

Captain Greenman testified that he arrested Mrs. Fields in Denver, and told her it was for keeping a house of ill-fame.

The court then took recess until this morning. It was agreed that Mr. Lyman could go home, the other eleven jurors being taken to the Valley House.

This morning the defense announced that they had introduced all the testimony they thought necessary.

Prosecuting Attorney Varian, after ascertaining that C. W. Lyman, the juror who was taken ill yesterday evening, was better, made his argument before the jury. He stated that the crime which was contemplated by the alleged conspiracy was the keeping of a house of ill-fame. He claimed that the charge had been proven beyond all reasonable doubt. The testimony of the woman Fields, if uncorroborated, should not be taken by a reasonable jury; but if her evidence was corroborated by circumstances, it should be accepted. A scheme had been entered into by several persons, as the defendant claimed, to detect sexual crime. The work was directed by private individuals, and not by the city officers. The police were ready, under the marshal to do the necessary work; the city government was in full operation, as was also the county government, all drawing salaries which were paid for the suppression of crime; but this work was left to private citizens, and the scheme of the latter were to bring in strange women to detect the crime. Money had been paid in advance for this purpose. The defendant and probably others in the community, thought this a commendable undertaking. The defendant stated that, if necessary, doors would be broken in to secure the evidence. If the prosecuting attorney was rightly informed, such outrages had been committed by officers in this community in times past. The arrangement of the houses showed that the defendant had a knowledge of the purpose of the house. There had been for a number of years, houses of ill-fame adjoining the court rooms and hotels, just where they would be most offensive, and no effort had been made to prosecute them. The scheme was commenced by rounding up houses which did not exist, or which were opened for the purpose. The suppression of vice was what was claimed as the object of the plan, but detectives were not sent to well known houses to learn who resorted there. There was no evidence to show that it was the intention of any of these men to interfere with notorious houses. The scheme, Mr. Varian declared, had not the sanction of the law, but was to make the good bad, and the bad worse. No law, human or divine, authorized such a course. It was unlike the detective bureaus in operation in all large well-regulated cities. The law did not contemplate the commission of crime for

the detection of criminals. It was beneath the dignity of any government to lead men into crime in order to suppress it. The woman Fields was an object of loathing and commiseration, but had yet left some of the instincts of a woman. She had testified that she had bargained with the defendant to pay her trade as a prostitute. She was to receive \$25 per head. By the promise of money, this lost creature was stimulated to induce men to commit crime. A woman in this business became more abandoned as time went on. But what must a man be, who has an interest in the commonwealth, who would combine with such a woman, for such a purpose? Should his testimony under oath be taken? The scheme in which he was engaged showed it was not truth, but infamy that was being sought; else, why all this secrecy? The woman's better instincts revolted, when on the witness stand, and she declared that for a million she would not have taken the course she had, in exposing those who visited her house. The story of the woman was the most probable one. She entered upon the fulfillment of her contract, and carried it out. Mr. Salmon might be treated as an accomplice. Mr. Hampton, in the complaints, testified that the woman kept a house of ill-fame, and charged Pearson with resorting thereto. The statute was aimed at the public nuisances, and not at private incontinence. The defendant now swears that the scheme did not contemplate opening houses of ill-fame, yet it was so extensive that it employed almost the entire police force. In the house used the police had a room at their disposal. The invitations sent out by the women might entrap men on the excuse of business, and who, when they were there, might be induced to commit a crime. The law did not contemplate the punishment of men under such circumstances. They were dragged to those houses on a pretense, and did not resort there for the purpose of lewdness, although the crime was committed. Language was insufficient to express his abhorrence of the infamy of the plot. Affidavits were made by the woman, not for evidence, but for the purpose of a nasty exposure. There could be no other reason for taking these affidavits, except to scandalize somebody. Who put the names in those affidavits? They had not been heard of before this trial. The defendant had been warned that his name might be implicated, but he had expressed his willingness to testify before the grand jury, and two of that body testified that the defendant had admitted that he hired the woman to open the houses, and the defendant's own testimony before the grand jury had sealed his fate. The most singular part of the whole scheme was that no one in authority knew anything of it, or where the money came from; part had come from a member of the County Court. Was it from one class, and to be directed against another class? The jury could judge.

Judge Hoge then addressed the jury. The prosecution charged that the statute had been in force ten years, and no attempt had been made to enforce it. The history of the country showed the charge to be false. The prosecuting attorney had been here for some time, but he had never brought a case. The machinery of the courts was taken out of the hands of the local officers, and given to the Federal officers, but the present U. S. District Attorney, nor any of his predecessors, had never brought a case against the offenders. The grand jury though specially instructed, had never brought an indictment against the keepers of houses which the prosecution had declared were almost as well known as the banks of the city. The prosecution had failed in making any proof of the crime of conspiracy charged. Mrs. Fields had testified that the defendant had agreed with her, and paid her money to open a house of ill-fame; that he had rented the house and furnished it. When referred to the time the alleged contract was made, she could not tell a single statement made by defendant. She then denied opening a house, but said the defendant did. The note sent to Commissioner McKay and P. H. Lannan had no connection whatever with the defendant. Members of the grand jury had been called as witnesses to what Mr. Hampton stated before the grand jury. Scott testified that Hampton said he paid the woman money for detective purposes. Mr. Hampton also testified that his object was to detect crime. Morris R. Evans was evidently a very willing witness, and testified that the defendant said he hired the woman to open a house. Mr. Raybould had been unable to repeat the substance of Mr. Hampton's testimony. Mr. Pitts, another grand juror, positively contradicted Evans, and agreed with Scott. It was such testimony as this the prosecution asked conviction on! Testimony that was opposed to the idea of any conspiracy. The prosecution had introduced Mr. Salmon and Mr. Armstrong as his own witnesses, and had declared they should not be believed. Their testimony did not corroborate the statement of the Fields woman. The prosecution had intimidated this was a trial between classes in this community. Was the defendant to be held responsible for the acts of a class? No, he should have a fair trial. Or was the remark to insinuate that the defendant belonged to a class which the jury were not members of?

In the testimony for the defense, Mr. Hampton had given evidence in his

own behalf. Let his conduct on the witness stand be contrasted with that of the woman Fields. He answered the hundreds of questions frankly and promptly, and explained the whole plan of detection. The prosecution declared detectives did not resort to crime to detect crime. The history of the detective service refuted this assertion completely. And was Hampton, because he belonged to a class which the jury did not, to be condemned for doing what others were regarded as heroes for? The prosecution claimed that Mrs. Fields' testimony was corroborated by McKay and P. H. Lannan, when their testimony had no connection with the defendant. Messrs. Salmon and Armstrong, two of the prosecution witnesses, agreed with Hampton, in showing the whole scheme was for the detection of crime. Mr. Varian claimed the Mayor knew nothing of it. There was no testimony to that effect. The prosecution tried to dodge the question on the ground that crime to be detected was private crime. That men were enticed there to throw away their virtue! They must have been men of very easy virtue! P. H. Lannan and McKay had evidently been stronger. Stress had been laid that the Governor was the man sought to be caught. Yet the testimony showed all classes were caught. Efforts had been made to break up these houses by punishing the women, but had failed because the men were not followed. There was no law to screen the frequenters of these houses, and punish only the women. To law raked them all in, and one was as bad as the other, and all should be punished. It was a part of the history of this case that those accused of resorting to those houses had been dismissed, the District Attorney having refused to prosecute them! The District Attorney had stated, in this court, at that time that the very witnesses used in the prosecution in this case should not be believed on earth, or in the high court of heaven, and that no American jury should convict on such testimony. And no man at the bar knew better the meaning of those words than did the prosecutor himself, when he declared an American jury should not believe testimony against a certain class. It should not be believed against the other class, because the jury did not belong to it. All that the defendant asked was that the testimony be impartially weighed, and give a verdict thereon.

At the close of Judge Hoge's remarks, the Court took a recess until 2 p. m.

This afternoon Mr. Burmester addressed the jury on behalf of the defense. He said he had expected to hear from the prosecution a clear statement of the facts in the case, but had been disappointed. Thought he would have done so in fairness to the counsel for the defense, to the court, and to the people, but he had not. Mr. Burmester had felt appalled and humiliated by having to listen to talk from the prosecution that might have been proper in a police court. There was no occasion for a tirade of abuse. Feeling and epithets did not constitute argument. A prosecution should never stoop to personal abuse and he had been amazed at hearing it. A bare statement of the indictment and an explanation of its terms were all that was necessary, so that the matter could be simplified. B. Y. Hampton was accused of conspiracy with Mrs. Field, alias Mrs. McCall, alias Miss Harris, to commit a crime against the people of the Territory of Utah, in that they agreed to keep and maintain a house of ill-fame. The jury had been selected for their special fitness to try this case impartially, and they should do so intelligently. The argument of the prosecution tended to confuse instead of enlighten the jury. A conspiracy was an unlawful combination of two or more persons, by concerted action, to commit an unlawful act, or to use unlawful means to accomplish an act not unlawful in itself. There was no such combination in this case. There was no evidence of the agreement charged. Mrs. Fields said she was hired to work for defendant. If this was true there was no conspiracy in it. Mr. Hampton testified that he hired the woman for detective purposes. That was all there was of it, and no jury could make a case of conspiracy out of it. It was simply a case of hiring a person to do certain work for detective purposes. The testimony all agreed that the woman was hired and was to be paid \$25 for each person caught. There was no occasion for abuse or invective. The agreement was made and money paid for the detection of crime, not its commission. A great deal had been said of war between classes, but with that the defendant had nothing to do. He alone was on trial. The question of the veracity of witnesses in another case had nothing to do with this case. There was no reason for the prosecutor's attack on the city and county governments. The defendant had nothing to do with that. If the city and county had failed to prosecute certain crimes, so had the third jurisdiction, the prosecution in this court, and the pot had no excuse for calling the kettle black; it was simply a division of the honors, and the defendant had no connection with it. The prosecution had also laid great stress upon the "moral" phase of the case—the allurement offered to men. Mrs. Fields had failed to allude to the glorious triumvirate which had been referred to. This failure was keeping with Mr. Hampton's statement