

there over two years; know the defendant; he is employed there; I was there before January 1st, 1883, and have been continuously since, except some weeks in January and February, 1884; don't know when defendant started to work there; have seen Lydia Spencer; first met her in the store about a year ago; don't know of her purchasing goods on defendant's credit or account; she paid as other cash customers; don't remember anything about a package of which Spencer Clawson or anyone else said it was "Rud's wife's," or asked "which wife," or said "that's a good piece of evidence;" I have not, to my recollection, said that such a thing took place in my presence; I know James E. Caine; have not within the last three weeks stated to him that such a thing took place in my presence (the question which brought this out was objected to); don't remember making such a statement to him or anyone else; don't admit or deny it, but do not recollect it.

SPENCER CLAWSON

was recalled: He produced, by request, the blotter or day book kept at his store, but when asked for the other books, said he did not understand that they were wanted. He was asked to send for them and did so. Pending their arrival, the witness opened the day book and stated that he found entries in the defendant's handwriting as follows: from January 2d, 1884 to March 1st, 1884, every day except Sundays.

JOHN M. YOUNG

was recalled, and testified to carrying a parcel from Lydia Spencer to the defendant, and of being in her apartments in the Tenth Ward, and seeing defendant's photograph on the mantle piece in her bedroom. Also to their both visiting at his house one evening, and taking supper. The witness and Mr. Dickson consulted in an undertone and the former was then excused.

SPENCER CLAWSON

was recalled, the other store books having arrived. He turned to the defendant's account, and after diligent comparison of the books with each other by the witness and Mr. Dickson, the prosecution seemed to abandon the idea of getting anything from those records to suit their purpose. Mr. Clawson was asked to explain the method of doing business at his store and did so. Mr. Bennett for the defense, then asked the witness to describe the office of his store, which he did, and in answer to another question said that persons in the office could not be readily seen from the front of the store, on account of piles of goods intervening, unless they looked up the south aisle.

H. M. WELLS

was sworn, and testified: I live in this city; am City Recorder; last winter was a member and secretary of the 18th Ward Mutual Improvement Association; know the defendant; don't know Lydia Spencer, but have had her pointed out to me; don't know whether she was a member of that Association or not; the defendant was, I think. (The witness was here asked to produce the books of the society and complied.) The defendant's name is marked as being first present at the second meeting in February; he was proposed for membership Jan. 31, 1884; members were not always present when proposed; don't remember that he was; others were proposed the same evening, among them Lillie Clawson; don't know her; her name is next after the defendant's on the roll; don't know whether Lillie was present or not when she was proposed; if members came in too late for roll call I marked them present if I knew them, otherwise not; no book was kept where the members signed their names that I know of; Lillie's last name was spelt Clawson.

SIDNEY B. CLAWSON,

sworn, said: I am a brother of the defendant. I know a lady called Lydia Spencer. Have known her for a good many years by that name. I was a member, during the months of January, February and March of this year of the 18th Ward M. I. A. My brother was a member of that association. I do not know that Lydia Spencer was a member of that association. I have seen her there, but I could not tell how many times. I do not know by what name she was called in the association.

Q.—Did you testify before the grand jury that they called Lillie Spencer Lydia?

A.—I do not remember.

Q.—Do you remember whether she was called Lillie in that association?

A.—I never heard her called Lillie. At this stage, Mr. Dickson stepped up to the witness with a document in his hand, and asked him *sotto voce*, to read part of its contents, after which he was asked:

Do you remember now that you testified before the grand jury that she (Lydia Spencer) was called Lillie at that association?

A.—No sir. I have seen her at the association. Have seen my brother there also. I have seen him in company with Lydia Spencer on one or two occasions. I do not know whether she was called Lillie or Lydia at that association. I have not seen the defendant go to or from the association with Lydia Spencer on any occasion. The defendant lived during the months of March, February and April of this year in the 18th Ward. I twice visited his house while living there. Don't remember the time. It was since Christmas last and before I testified before the grand jury.

tified before the grand jury. There I met my brother and Mrs. Florence Clawson. Miss Spencer was there. She was there only on one occasion. I only spent a few minutes in the house. I never was there at a meal. I did not pay any attention as to how Miss Spencer was dressed. Do not know the portion of the house she occupied. I cannot tell whether this Lillie Clawson and my brother joined the association at the same time. I testified before the grand jury that I did not know when they joined, because I might have been out of town at the time, my business sometimes called me away. I know no member of the Clawson family who is a member of the 18th Ward Association named Lillie Clawson. There is no member of the Clawson family named Lillie. I have a sister called Lulu, but no sister whose name is Lillie.

ORSON ROGERS

Was next sworn: I am and have been employed at Spencer Clawson's store since March 1, 1882; am second cousin to the defendant; Henry Stringham delivers parcels bought at the store, when there are any; I have known Lydia Spencer about 18 months; have seen her at the store several times; have seen her conversing with the defendant; never heard the defendant say anything about his relations with Lydia Spencer; have joked with him about the report that he had a second wife; he always passed it off lightly, never admitting or denying it; this was before I saw Lydia at the store; she has purchased goods of me; sometimes she bought more than she had money with her to pay for, I then made a memorandum of the debt and she would call next day perhaps and settle; she was never charged on the books that I know of; don't know anything about the package incident (the one several times referred to); was not there when it was alleged to have occurred; have seen Lydia and defendant together on the street; she lived in the Tenth Ward in 1883; have been inside the gate to get flowers, but not in the house; it is about a block from John M. Young's, on Third South Street; my wife and I got the flowers; saw no one else but Lydia.

STANLEY H. CLAWSON;

This witness proved the Sam Weller thus far, and Messrs. Dickson and Co., like Dodson and Fogg, did not make much out of him: "I am brother to the defendant; know Lydia Spencer; visited the defendant in January, February and March, 1884; don't remember testifying before the grand jury of having met Lydia there before Christmas; may have said so, but think not; met them at my mother's house once, last year, I think; could not say whether they came or left in company; may have seen them in other places; don't recollect testifying that I saw them frequently on the Third South street car, going towards the First Ward; I am not in the habit of traveling that way; these things pass from my mind, can't remember everything, you know; my memory is not very good at best; have never had any conversation with defendant about his relationship with Lydia Spencer; don't remember saying before the grand jury that I had joked him about it and he passed it off; won't say I did or did not, but don't remember it; never heard anyone allude to his relationship with her in his presence; think I have seen them together at the Theatre; my name is not Stanley B. Clawson, but Stanley H.

H. B. CLAWSON.

I am the father of the defendant. I know Lydia Spencer. I have known her for three or four years. My son lived during the latter part of 1883 and during 1884, up to some six weeks ago, in the 18th Ward, opposite the grave of Brigham Young. I visited him during the latter part of 1883 or during the first four or five months of this year. I visited him once. I do not recollect the time. I met Mrs. Florence Clawson, the wife of the defendant. My wife was with me. In addition to these there was a middle-aged woman there. I did not see Lydia Spencer there. I do not know whether she was there or not. It is the only time I visited my son's house. I have seen my son and Lydia in company. Not frequently. I cannot say how many times. I have seen them at my residence once or twice. Lydia Spencer was visiting there. My son would also be visiting. I have seen both there at the same time. I did not see them come or go. Cannot say whether they came together or not. I found them in the house. Can't fix the date of the visit. Have seen them there this year. Have seen them there two or three times since the first of January. I have seen them at the Theatre in company two or three times. I could not place the date. It may have been the early part of this year or the latter part of last year. Mrs. Florence Clawson was not at the Theatre with them. I have not seen them anywhere else that I remember.

Q.—Have you ever spoken with your son about his relation with Lydia Spencer?

A.—Well, since this indictment has been up I have had some talk with him.

Q.—You had no conversation before that with him.

A.—Never. I never heard anybody allude to the matter in his presence.

Q.—Your son, the defendant, is a member of the Church of Jesus Christ of Latter-day Saints?

A.—Yes.

Q.—Did you ever have any conversation with him as to whether he believed

in the doctrine of plural marriage as taught by the Church of Latter-day Saints.

Mr. Bennett—We object.

Mr. Dickson—Was he in fellowship with the Church?

A.—As far as I know. I am a Bishop of the Church; have been for some time.

Mr. Dickson—I press the question whether he (witness) knows, from conversation with the defendant—whether or not he was a believer in the doctrine of plural marriage as taught by the Church?

Mr. Bennett—We object to the question on account of its being immaterial.

The point was then argued by both sides; but the hour of recess having arrived, the judge said he would reserve his decision until the re-assembling of the court.

On the reassembling of the court, Judge Zane asked that the last question asked the witness, H. B. Clawson, be read over.

This was done by the official reporter.

Mr. Dickson—Perhaps I might alter the question a little, so as to specify the time.

Mr. H. B. Clawson then took the stand, and was asked the following question:

Mr. Dickson—Do you know, from conversations had with the defendant prior to August, 1882, whether or not he believed in the doctrine of plural marriage as taught by the Church?

Mr. Bennett—Don't answer.

JUDGE ZANE: This question and the objection to it raises two questions, and probably there were another one or two discussed that I do not think were material, however. The first is—in the order that I have considered them—is the opinion of the defendant as to the rightfulness or wrongfulness of polygamy a material fact? The second, can this witness state that he knows what defendant's opinion is?

Mr. Dickson: I will obviate the second question by altering it to—Did you ever hear the defendant say anything as to his belief or unbelief in the doctrine of plural marriage as taught by the Church?

Mr. Bennett. The same objection.

Mr. Dickson: That presents the question differently. The latter question I think is obviated.

Mr. Bennett: We desire to raise the merits of the question.

Judge Zane ruled that the question was proper and

BISHOP CLAWSON

being again interrogated, replied that he had no recollection of his son's having expressed to him his belief on the subject of polygamy.

After Bishop Clawson, Mrs. Mary Jane Spencer Auer, mother of Lydia, testified.

Pres. Taylor was called and entered the Court room at 3:05 p. m. He was in the witness stand when we to press.

Last evening's News contained a report of proceedings in the Clawson polygamy trial up to President Taylor's taking the witness stand. As the latter part of it only stated facts in general, owing to this paper's going to press before the details could reach us, we will now go back a little and give the particulars.

Judge Zane ruled that the question put by the prosecution to Bishop H. B. Clawson was a proper one, viz: "Did you ever hear the defendant say anything as to his belief or unbelief in the doctrine of plural marriage as taught by the Church?"

Bishop Clawson answered that he had no recollection of anything of the kind; nor did he remember testifying anything of the kind before the Grand Jury; had heard the defendant preach, but did not recollect ever hearing him allude to plural marriage; the defendant never told me of his intention to enter the polygamous state, with Lydia Spencer or anyone else; have never cautioned him not to, nor heard him say that to do so was a religious duty, as I remember; don't remember, except one or two points, what I testified before the Grand Jury, and those points I have stated.

Mr. Bennett—"We object to all this; we don't know what is in those Grand Jury minutes; they may have been made up on the street, and I apprehend they were. (Laughter.)"

Mr. Dickson—"Why?"

Mr. Bennett. "Everybody denies them."

Mr. Dickson, (slightly staggered). "If necessary we will call the clerk who took them and have them corroborated." The witness was here shown what purported to be his evidence before the grand jury, and after reading it emphatically reiterated that he did not remember saying anything of the kind.

MARY JANE SPENCER AUER

was next called. This witness, the mother of Lydia, led the prosecution a wild goose chase which ended in their catching nobody, unless it was themselves. The gist of her testimony could be boiled down to this: Rudger Clawson came to my house first in the summer of 1883, but has never stopped over night there; Lydia was with him on a second visit in the summer of 1884; she had rooms at his house in the 18th Ward, and took in sewing; saw her last going westward. I don't know in what part of the city; I went about my business and she about hers; she last lived at Mrs. Smith's near the Temple block, and before that in the Tenth ward; I was never asked by defendant for consent to marry her; she called him "Cousin Rud." In answer to Mr. Bennett,

witness repeated that Lydia called him "Cousin Rud." because there was a relationship between the families.

PRESIDENT JOHN TAYLOR

was then called, and, being sworn, was asked to take the stand. The court room was now crowded, many coming in with and after the President, and the most intense interest was manifested on all sides.

Q.—Is your hearing good, Mr. Taylor?

A.—Yes, sir.

Q.—You are the President of the Church of Jesus Christ of Latter-day Saints?

A.—Yes, sir.

Q.—How long have you occupied the office of President?

A.—Well, I cannot say precisely. The records will show.

Q.—Quite a number of years, is it not?

A.—Yes, sir.

Q.—You are familiar with the laws and revelations that have been given to the church?

A.—Not as familiar as I might be, perhaps; but I know a number of them.

Q.—Do you know of the sacraments that are observed by the church, or the observance of which is taught by the church?

A.—I do not know what you refer to.

Q.—Is there a sacrament of marriage or a ceremony, as taught by the church?

A.—Yes, sir.

Q.—The law of the church is opposed to and forbids intercourse between the sexes—this is outside of the marriage relation?

[Question objected to as immaterial: objection overruled as usual.]

A.—Yes, sir.

Q.—Do you know, Mr. Taylor, who the officiating priests or ministers in the Endowment House in this city were during the year 1883?

Mr. Bennett—We object to that, if your honor please. There is no proof before the Court that there is any Endowment House.

Mr. Dickson—Well, I may ask him—is there an Endowment House in this city?

Question objected to as immaterial.

Mr. Dickson—Where are marriages in the Mormon Church—that is, by members of the Mormon faith—celebrated, in the Endowment House or elsewhere?

A.—Sometimes they are, and sometimes elsewhere.

Q.—Where else, if not in the Endowment House?

A.—I do not know that I can say. There is no specific place appointed in which marriages occur.

Q.—There is a doctrine of the Church, is there not, Mr. Taylor, of plural marriage?

Mr. Bennett—We object to that, if your honor please.

Mr. Dickson—We expect to follow this up, if the question is answered in the affirmative, by showing that plural marriages are celebrated in the Endowment House only. If I am correct about this, Mr. Taylor can state so; if I am not, he can correct me. But I expect to follow up this and show that plural marriages are required by the laws of the Church to be celebrated in the Endowment House.

Mr. Bennett (to President Taylor, who seemed about to answer)—Be kind enough to answer slowly.

Mr. Dickson—If I can succeed in showing that plural marriages are required to be celebrated in the Endowment House, or some Endowment House, this testimony will be made very material by subsequent proof which we have.

Judge Zane—Well, state your question.

Mr. Bennett—Read the question, Mr. Reporter.

The Reporter—The question is—There is a doctrine of the Church, is there not, Mr. Taylor, of plural marriage?

Judge Zane (to witness)—You may answer that.

A.—Certainly.

[Exception taken.]

Q.—What is your answer to that?

A.—Why, certainly there is.

Q.—Well, now, does not the Church require that when members of its faith are about to enter into a plural marriage, that such marriage shall be performed in some one of the Endowment Houses?

A.—No, sir.

Q.—Are not the plural marriages entered into by the members of the Church, so far as you know, performed in the Endowment House?

[Question objected to as immaterial and irrelevant.]

Mr. Dickson—It will show what the general custom is, if any.

Judge Zane—You may answer the question.

[Exception taken.]

Mr. Dickson (to the reporter)—Just read the question.

The Reporter—Are not the plural marriages entered into by the members of the Church, so far as you know, performed in the Endowment House?

A.—No, sir.

Q.—Where are they performed?

Mr. Bennett—Same objection. I do not like to object to every question, but this whole line is irrelevant. This man (the defendant) is not indicted for being a member of the Mormon Church.

Mr. Dickson—Where are they performed if not in the Endowment House?

[Exception taken.]

A.—I can not say.

Q.—Do you know of any plural marriage ever having been entered into by members of the Church outside of the Endowment House?

A.—Yes.

Q.—Who? When?

A.—Could not say.

Q.—Do you know of any plural marriages entered into by any members of the faith, residents of the Territory of Utah, ever having been performed and entered into outside of any one of the Endowment Houses, within the past three years?

[Question objected to as immaterial and irrelevant.]

Judge Zane—You may answer the question.

[Exception taken.]

[Question repeated.]

A.—I have recollection of many such.

Q.—Have you any recollection of any such within the past three years?

A.—I could not answer at present.

Q.—Well, it is your present recollection we have to take.

A.—Very well, I have no recollection at present.

Q.—Is there any place called an Endowment House, a temple, or known by any other name, which is set apart as a place for the celebration of plural marriages?

Question objected to.

Judge Zane—Well, he may answer the question.

[Exception taken.]

[Question repeated.]

A.—Not specifically.

Q.—What do you mean by that answer?

A.—I mean by that answer that there are a great many things performed in those houses.

Q.—I do not ask you if it is set apart exclusive of other things. We understand that. I repeat the question—Is there any place which is set apart as a place for the celebration of plural marriages?

A.—There is no specific place set apart for the celebration of marriages.

Q.—You mean by that, do you not, that there is a place in which other rites of the Church are performed?

A.—Yes.

Q.—Is there not a place set apart for the performance of the rite of marriage in connection with other rites of the Church?

A.—Yes.

Q.—What is the place, or are the places?

A.—Well, one place is the Endowment House, other places are our Temples.

Q.—Now, then, I will ask you, to get at it, when the Temple at Logan City was completed for the celebration of the rites of the Church?

A.—I cannot say precisely.

Q.—I do not ask you to say within a week, or two weeks, or a month.

A.—I do not keep those things in my mind.

Q.—Was it not in June last? You were there when the temple was dedicated, and you took part in the dedication rites?

A.—I took part in the ceremonies.

Q.—As President of the Church?

A.—Yes, sir.

Q.—Can you tell when that was?

A.—The records will show. I do not carry them in my head.

Q.—It was this year?

A.—Yes.

Q.—Was it not in the summer season? Don't you remember whether the trees were in foliage or not?

A.—I can furnish you the time if you get the records.

[Here President Taylor said that if Mr. Nuttall was in Court perhaps he could tell.]

Mr. Nuttall by permission of the court, here spoke up and said: In May last.

Q.—Now, prior to that time, President Taylor, what Endowment Houses were there in the Territory?

A.—Only one.

Q.—Where was that?

[Question objected to as immaterial.]

Mr. Dickson—I expect to show that this was the only place where this marriage in question, if performed at all, that it must have been at the Endowment House in this city or the temple in this city.

Judge Zane—You must answer the question.

[Exception taken.]

Q.—There was only one Endowment House. Where was that?

A.—In this city.

Q.—What temples were there prior to the time the Logan Temple was completed?

A.—There is a temple down at St. George.

Q.—Was there any other?

A.—There were no others in this Territory.

Q.—Then, prior to the time when the Logan Temple was dedicated in May last, I understand you to say that there was no place set apart for the celebration of the rites of matrimony except the Endowment House and the Temple at St. George?

A.—I think you misunderstand me, sir.

Q.—Well, be kind enough to correct me if I do.

A.—I do not wish it to be understood that any place was set apart for the purpose of matrimony, not for that exclusively.

Q.—But I understand you to say that there are places set apart for the performance of matrimony and other rites, and that these places were the temple and the Endowment House. In what county is St. George, where this temple is?

A.—Washington County, I think.

Q.—Now, are there no other places than those that you have mentioned where the church authorizes the rite of plural marriage to be performed?

A.—The rite of plural marriage can be performed in other places. There

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