

dominions, as searching and thorough as it was possible to make it. Counsel dealt first with the complaints of Maggie Forkner, who he said charged that on two specific occasions she was mistreated by the defendant. He reviewed the circumstances as set forth in Forkner's own statement, and next took up the complaint of Anna Prindle who had testified to five different occasions when acts and words of the marshal were used towards her that were more or less criminal. Mr. Stephens treated first with the alleged misconduct of the marshal towards Prindle in his private office on the day of her sentence by Judge Zaue, and laid particular stress in this connection upon the evidence of Mr. M. K. Parsons, the marshal's half brother. It was strange, he said, that Mr. Parsons should have remembered so minutely what he was engaged in doing at his desk in the marshal's office on that particular day, and pooh-pooed the idea that he would be occupied for any length of time in the preparation of his committee report for presentation to the City Council, which in this instance was very brief. The assertions of Miss Prindle as to Marshal Parsons' behavior towards her on the way to the penitentiary and at the Giesy house were reviewed, and Mr. Stephens insisted that there was no reason whatever to doubt the woman's veracity. It was a straightforward story and in no material way broken by the rigid cross-examination. Counsel urged that the witnesses for the defense were mistaken as to the door between the kitchen and sitting room at Mrs. Giesy's being open all the time, and that what was said to have taken place could have occurred without others seeing. Something had been said about Mrs. Giesy forbidding Prindle's sporting friends from calling at the house; but it seemed that that had already been sufficiently exploded, seeing that Mrs. Giesy—a very estimable lady—introduced Miss Prindle to her own relatives and friends. She did not treat her as a convict, but evidently regarded her as of sufficient respectability to introduce her to her company on that one particular occasion. The only one who did not approve of this introduction was the lady from Ogden, Mrs. Rosawaythe Giesey, but she evidently did not regard this domestic in any more objectionable light than she did domestics in general. As to the alleged assault on the part of the marshal in his office on the second occasion, when Miss Prindle walked into the main hall, the only evidence adduced to disprove her statement was that of Mr. Ivins, and counsel thanked God that the defense put him upon the witness stand. It did not appear in evidence that there was any trouble between Miss Prindle and the Giesy family, beyond what had been elicited from the witness Maggie Forkner in cross-examination as to what Miss Prindle had said to her. Turning to the visit of the marshal and doctor to Prindle's cell, the assistant prosecuting attorney argued that the indecent act attributed to the marshal could easily have been committed without Doctor Smith and Guard Ward, who were engaged in earnest conversation outside the cell, being conscious of it. There must be

some motive, it was said, in the breast of a person making an accusation of this kind, which was so direful in its result. All the ingenuity of the defense had been directed towards the development of some base motive which could have actuated the mind of this girl in telling her story. The most the defense had been able to do was to introduce evidence of what they were pleased to deem a conspiracy; and that had been scattered to the winds. The testimony of "the negro girl from Alabama" (?) (Essie Banks), who testified that she heard a conspiracy going on between Stark and these two girls, swore to it so absolutely as to say that she knew she could not be misled. When the defendant had that girl put upon the witness stand he well knew that she was telling a falsehood. He must have known that she was committing perjury, "though," added Mr. Stephens, "I acquit his counsel—all honorable men—of any such knowledge." That, and that alone, was the only shadow of conspiracy which had been talked about so broadly, and in the course of which defense cast forth insinuations as base as they were unfounded. The question of a conspiracy, then, must be cast aside altogether as unworthy of any credence whatever. Maggie Forkner's evidence, standing alone, would not be entitled to as much weight as that of many other persons; but even she was not yet a common prostitute, and her statements certainly bore the impress of truth upon their face. She was seeking no pardon, and could have had no hope of reward. But the central figure in this prosecution, as a witness, was Anna Prindle, and he was willing to concede, for the purpose of argument, that this prosecution should stand or fall upon the truth or falsity of her statements. Counsel proceeded, as he stated, to lay bare the life and character of the woman Prindle, tracing her career from the time she began to earn her own livelihood, in her own native place in Minnesota, and the following up of her profession as a nurse in this city, in which capacity she won the good opinions of those whom she served. If there was a conspiracy, where, he asked, was the motive to be found on her part? If she was an impure woman, a prostitute, or a blackmailer, she might have said to the marshal, "I have got the whip on you now; you will get this and that done," and used it against him. Her conduct in this regard had been that of a true and chaste woman. Her first statement filled his mind with the conviction of truthfulness; and he would rather resign his office than do anything contrary to his conviction. Counsel denied that there was any evidence tending in the least degree to show that Miss Prindle was the "carousing prostitute" or lewd woman which the defense had sought to make her out. What object could she have had in concocting a story which, if true, would blast this man's life for ever? But there was not a particle of testimony to disprove what she had said. That she had an affection for Masterson, he had no doubt was true, but there was an utter absence of proof as to any criminal relations between the parties. There was no testimony to show that she had any enmity towards the marshal, and when

this case was carefully looked into in all its details, and they reviewed Miss Prindle's evidence calmly and dispassionately, who could doubt the truth of it? Her explanation as to the reason why she did not tell her mother of her trouble was a monument to her virtue greater than the testimony of all the witnesses they had heard of here; and the fact that she preferred to go to prison rather than have divulged the only defense which could save her was another evidence that her reputation for truth and chastity was not what counsel for the defense had sought vainly to show. He insisted that the prosecution had established their case.

#### JUDGE HENDERSON FOR THE DEFENSE.

Judge Henderson followed on the part of the defendant. He said a charge had been made against a high officer of this Territory which involved not only his morality, his standing as a man, but which affected his standing as an officer, and if it were true, it stamped him as one absolutely without honor in any way. There was involved in this investigation and in this question that which would utterly and absolutely destroy a man and his reputation and that of his family on the one side, or exonerate him from a serious and infamous charge on the other. It required a degree of evidence to make a false charge of this kind, which would stamp the person who made it with more infamy than the defendant in this case would be stamped if found guilty. He asked Mr. Stephens to exercise a little of the good sense and charity that he had exercised towards "this lady," as he had called her, when he came to deal with the reputation of an officer, a husband and a father. If the defense could show in this case that this woman had made false statements about any one material matter, then what became of Mr. Stephens' theory? If any one of the charges made against the marshal was shown to be absolutely false, it should apply to all of them. The charge made against the defendant was similar to that of rape—it alleged force against the will of the woman. It involved exactly the same question, and he contended, therefore, that the court should consider it in that light and so determine from the testimony bearing upon it. First, the court must determine whether a crime had been committed; second, whether there was reasonable cause to believe the defendant guilty of that crime. Proceeding to look at the facts in the case as a whole, Judge Henderson answered some of the remarks of Mr. Stephens in his opening address. Did he not know, asked the judge, that the defense had offered to show specific acts and been ruled out over and over again? Did he not know that when the witness Prindle herself was upon the stand, just as soon as any question was asked as to her reputation it was objected to and the objection was sustained? They were told they could show absolutely nothing but the witness' general reputation; in other words, they could not show her true character. There was a difference between character and reputation. The one was what the person actually is; the other what she was reputed to be in the community. Was it