

every day during the time I have mentioned; he came about the middle of April; he might have gone away for a day or two without my knowing it.

Edward Crittenden testified—I reside at Hoytsville, Summit County; lived in Leadville in 1888; saw the defendant there in March or April; saw him when he was working as his son has stated.

To Mr. Varian—Are you still a member of the "Mormon" Church.

Witness—I don't know that I have to answer.

Court—You may answer.

Witness—Yes.

Mr. Varian—Do you hold any office.

Witness—No, sir.

Mr. Crittenden, continuing his testimony, said—I could not be positive about the dates, but I saw him frequently about the time stated. He could not have been out of town very long. He might have been away two or three days.

Miss Sarah Corless testified—I live in the Fourth ward; am acquainted with the defendant's daughter by his former plural wife, and also her mother. I have met Mr. Kane there; Mrs. Hefferan-Crowther and the children called him "Papa;" this was two years ago; there were several others with me; I went to the theatre with Miss Crowther and her father on the 9th of March, 1888; Miss Crowther went home with me that night and remained till 10 or 11 a.m. next day.

To Mr. Varian—It is four months since I visited Miss Crowther; we went to the theatre again with the defendant in 1888, later than the date I have mentioned; I never saw Mr. Kane there but once; I thought it strange to call him "Papa;" I did not understand that he was living there; the defendant is my uncle; he told me he would not go to the "pen."

George Crowther testified that his father, the defendant, was in Coalville from about April 9, 1888, and remained there some time; he did not know how long; he was there three weeks in May; I don't think he could have visited Salt Lake five different times in May without me; he frequently had business in the city, but I do not know of his coming in May.

Mrs. Eliza Corless testified—I live in the Fourth Ward; am the defendant's sister; know Miss Hefferan, who was his plural wife; I saw at her house, between two and three years ago, Mr. Kane; he was rather familiar; he called her "Ma;" the children called him "Pa."

To Mr. Varian—I never saw Mr. Kane there but once; I knew she was my brother's wife, and the children were his; I never heard anything wrong about her; we were members of the same Church; I knew that such a thing as may be inferred by my words was not countenanced by the Church; I told my brother's first wife a long time afterwards; I think the occurrence I refer to was in October, 1887.

Thomas Corless testified—I saw Mr. Kane, as my wife has related, and he seemed very familiar with

the defendant's plural wife; he was called "Pa."

To Mr. Varian—They call Mr. Crowther "Pa;" I thought the actions of Mr. Kane were rather sociable; I can't tell much of what was said.

Miss Nellie Crowther was recalled by Mr. Varian, and testified—Mr. Kane first came to the house in February, 1888; he was a casual visitor, and called to see me. He never addressed mother as "Ma;" he would speak to the children, and refer to her as "Mamma" when doing so.

Mrs. Hefferan Crowther, the former plural wife, was recalled—I never saw Mr. Kane before February, 1888; Mr. Crowther and he came together on one occasion; my children never called him "Papa;" I say, on my conscience, that I never had any intimacy with Mr. Kane, or any other man. He never addressed me as "Ma;" he may have referred to me as "Ma" when speaking to the children.

This closed the evidence.

Mr. Varian said this case presented new and peculiar features; he had had considerable experience in "Mormon" cases, and he never saw where one repudiated a child. This is the first instance where a man has denied the paternity of his plural wife's child. It is the first case in the history of these prosecutions where a man, holding a membership in the Church, repudiated his plural wife and her child. It is the first time where such a man has endeavored to strike down the character of his plural wife, and it is the first time where a plural wife, in these prosecutions, has ever been accused of unfaithfulness.

These people were married properly as they believed, and they lived together for many years. Now comes this man with this infamy. I say he has been living a lie for the past seven years. In 1886 he obtained a pardon from the President, on representations made under oath that he had abandoned polygamy. He swore that he had not sustained the relation of husband to his plural wife subsequent to March 22, 1882. Yet in November he addresses a letter to her that shows clearly he was maintaining his former relations. But when the consequences of his act were likely to come upon him, he casts her aside, and attempts to brand her as a harlot. He admits that the child born in 1883 is his, notwithstanding his statement under oath that upwards of a year before he had abandoned his relation. The plural wife and her daughter resented the imputation he was endeavoring to cast upon them. He wanted to pose before the public as a law abiding citizen, yet secretly kept up the relation; and when he is discovered he tries to throw upon her all the blame and requires her to suffer. I say this is the most infamous and contemptible defense that was ever presented in a court of justice. I say it ought to be rebuked by the jury, and, when they are done, be rebuked by the court. I say it would be a disgrace to this jury to bring

in any other verdict than that of guilty.

Mr. Hamilton addressed the jury on behalf of the defendant. He said he had been appointed by the court to conduct the case for the defendant, and he had endeavored to do his whole duty by him. I admit that it is true that this is the first time where, when it came to court, a father has asserted his polygamous children. I say the reason for this is the pardon granted by the President. The sixth child was not born more than a year after March 22, 1882, but within a year. He called upon the mother at the times that have been stated, on invitation of her and their daughter. The evidence has shown that the defendant was not in Salt Lake during May, 1888, so that it is not possible for him to have been guilty as alleged. As to the letter referred to, it shows his affection for the plural wife and her children. I believe that every man who believes in polygamy will, in spite of all laws against it, have a feeling of love for his polygamous wife and children, unless his wife is untrue to him. It was natural for her to claim that her husband was the father of her child. I ask you to weigh the whole testimony in this case, and trust that you will exculpate this man from the charge against him.

Mr. Varian replied in his closing argument, and said that the sixth child was born more than a year after the law of 1882. I am astonished that a man who had practiced polygamy, and who still has a standing in the Church, would come into court, repudiate his children and cast off their mother. The story about Mr. Kane bears on its face the impress of falsehood, for if such a thing were going on, there would be the greatest effort to keep it secret. I say that the one who would suspect his wife, as this defendant has done, is unworthy to be called a man. I say a man who would cherish such a thought of the woman who had stood by his side for twenty years, upon such a shadow of suspicion, has something in his composition that is not in ordinary mortals. I say it was the danger of the penitentiary that impelled him to do it. This plural wife, with the years of an honest life behind her, comes here and says to this defendant, "How dare you disown this little baby?" I say that there are thousands of men here who, rather than do such a thing, would suffer the penalty of the law, before intimating such a disgrace. I ask this jury to take a common sense view of the case, and I have no doubt of the result.

Judge Zane briefly charged the jury, stating that if they were convinced beyond a reasonable doubt that the defendant had committed the act, they were to bring in a verdict of guilty; if not, the verdict should be one of acquittal.

At 1 p.m. the jury retired, and court took a recess.

After being out thirty minutes, the jury returned a verdict of guilty, and sentence was set for Saturday, April 19th.