

someone after the commotion began, and he said to McLennan: "Don't make a fool of yourself, and don't do anything you will be sorry for afterward."

Mr. Richards had by this time taken Mr. Budge's arm, and led by the deputies, the whole party proceeded down stairs. When they got out into the street one of the attorneys for Mr. Budge began to remonstrate with McLennan upon his unseemly conduct. McLennan responded profanely, and the quarrel might have waxed warm, but Mr. Richards said to his associate:

"Keep still. What is the use of talking with him? Don't you know that if you lie down with dogs you will get up with fleas?"

While they were marching along Main Street, McLennan shouted, with an oath:

"We're going to take him before Rogers. He is the only Commissioner we recognize."

McLennan did not say that this conclusion was arrived at because of the whispered consultation between Master Rogers and his self, and hearers were left to draw their own inference.

While they were proceeding, someone asked Deputy Exum:

"What authority does 'Mc' possess?"

"He is a bailiff."

"Is he a deputy marshal?"

"He is not under bonds as a deputy."

"Has he any right to perform the duty of a deputy?"

"Well, he is an acting deputy."

"Well, what is the difference between an acting deputy and a bonded deputy?"

"I cannot answer you that. I would be pleased to tell you if I knew, but I do not."

"Well, he seems to me to be exerting a good deal of authority."

Mr. Rogers' office over the wine room was soon reached, and the party proceeded up stairs. The place was dark and closed. A messenger sent for Rogers soon returned with him, and he took his seat as magistrate.

Mr. Rogers is quite protean. It might have disturbed the equanimity of some men to sit in judgment in a matter of this kind so soon after having taken such a part as Mr. Rogers took in the district court. Only a few moments earlier, but United States Commissioner Rogers was perfectly complaisant.

A formal demand was made upon him for an order admitting William Budge to bail. He asked:

"Mr. Hopson, what security do you want Mr. Budge to give?"

Hopson replied:

"I want \$10,000."

Then Hopson launched into an irrelevant and incoherent account of some alleged effort which had been made to arrest some uncertain parties in Bear Lake, at some uncertain previous time, and how some uncertain persons had taken the arrested parties away from the deputies, and turned the latter out of the valley.

"And," he added, "this man's Bishop over there, and he is responsible for it."

The fact that no such occurrence took place, as Mr. Budge offered to show, did not seem to affect the loquacious deputy. He was only silenced when Mr. Kimball smilingly said:

"If that is the way they act, I guess you don't go over there, do you Hopson?"

Hopson indignantly answered:

"No, I don't."

Commissioner Rogers inquired what position the applicant held in the community—if he were not a prominent man among the people of Idaho.

Hopson glibly replied that among the Mormons William Budge stood high; he was a bishop.

Putting William Budge's ecclesiastical rank into one side of the scales, Commissioner Rogers threw him to the other side an order requiring him to give \$5,000.00 bail. But upon protest from counsel for the applicant, he finally reduced the sum to \$3,000.00; although this was a great undervaluation of a Mormon bishop! A bond was prepared, and Messrs. Thomas D. Dee and Angus T. Wright came forward and affixed their names, and verified as sureties.

Mr. Budge was then released, and his counsel asked Hopson how many more warrants he had of that kind, saying:

"You might as well serve them all at once, and let us get through with this thing while the night lasts."

Hopson answered that he had no more, and the crowd dispersed. It was then getting well along towards Sunday morning.

After Hopson had announced that he had no more warrants, Deputy Exum stated to Mr. Budge that he would protect him from further indignity. This was particularly gratifying to Mr. Budge and his counsel, and they expressed the proper feeling of gratitude; but to disinterested spectators it seemed that Deputy Exum had wasted considerable time in getting to the point, for he had observed much if not all of McLennan's conduct; and the spectators believed that he had the power to check McLennan with a word.

Yesterday morning Mr. Budge, accompanied by counsel, started for Blackfoot to answer the charges before Commissioner Blxby.

The significance of the extraordinary effort which was made to prevent William Budge from getting bail here was betrayed yesterday morning, when Hopson, betrayed by the defeat of

his purpose, betrayed himself to an attorney by saying:

"Baird (United States Marshal for Idaho Territory) would give \$500 to have me take Budge to Blackfoot in custody."

This, then, had been the desire and the moving motive of the astonishing action taken with regard to Mr. Budge. Here are the facts:

Some spotter saw him at the depot and telephoned to the deputies to come and arrest him. The deputies had not even personal knowledge that Mr. Budge was wanted on any criminal charge. They arrested him on the remotest suspicion.

The decision on the habeas corpus matter was withheld until such time as a warrant could be issued and brought to this city by a deputy.

Every possible effort was put forth by Hopson, Hiles and Rogers to prevent the prisoner from getting his legal right to gain his freedom by giving bail in the first case.

After bonds had been filed for his appearance on the first charge, and the court had adjourned, an effort was made to seize William Budge's person, under another and very questionable warrant, and prevent his having access to a magistrate who could hear his case and award the plain right recognized by the law.

There is little doubt that it would have been extremely gratifying to the Idaho deputy, and probably to some others, to have William Budge carried to Blackfoot in shackles and incarcerated yesterday in Blackfoot jail; but his lawyers and friends stayed with him, and the bulldozing plan failed of success.



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