

THE MILES TRIAL.

Following are Thursday's proceedings in the Miles polygamy case; the jury empaneled being as follows: A. J. Johnson, Wm M. Chapman, Jno. F. Crismon, James DeCoursey, Alexander Majors, J. F. Wilcox, Abram Hopper, James Scrimgeour, Joseph Clayton, Howard Sebree, C. M. Gilberson, J. F. Hardie.

The jury being called, the first witness for the prosecution appeared. This was

PRESIDENT JOHN TAYLOR.

His testimony was substantially the same as that given before Commissioner Sprague. Met Miles previous to his alleged polygamic relations, in my office; Caroline Owen and other ladies I did not know were with him. Think these were Emily and Julia Spencer. Don't know that Miles entered into polygamic relations with these ladies. My objections to answering questions on what took place between the defendant and myself of a professional character, were formerly overruled, but I still hold those objections. (The objections were again overruled.)

By the defense: I am called President of the Church, and am a minister. Was acting as one on the occasion of my interview with Miles, whose communication to me was confidential. (The objection of the defense to the witness answering, was here overruled.)

Re-direct: The object of these parties in visiting me was to get information regarding some matrimonial engagements. (The request of the defense to clear the court of witnesses was acceded to, with the exception of Miss Owen, who was allowed to remain.) To ascertain which of three women to be married to Miles should go first. I told them it should be according to age, the oldest to take precedence. I also told them that they were released from the whole contract so far as I was concerned, and if they entered any new one it would be upon their own responsibility. Think the defendant called on me prior to this. Miss Owen also called about the matter. Think she felt bad about the decision I had made, she being younger than one of the other ladies. I do not have charge of the records; presume there is one kept of the Endowment House marriages; don't know what it is called; don't know the keeper. May have seen it; don't know positively. Miles was a Church member, don't know whether he is now or not.

Cross-examined:—Am acquainted with the rules of the church regarding marriage. There are marriages for time, for time and eternity, and for only eternity, marriages for the dead and for the living. In marriage for eternity the woman would be called the man's wife. The result of the interview referred to dissatisfied the ladies. I told them the marriages ought to take place in the order stated. I understood the defendant wished to take the women for time and eternity.

MISS KATE CONELEY

Was sworn. Live in Providence, Rhode Island; met the defendant and Miss Owen both at my brother's house, when in Salt Lake previous to the 24th of October last. Heard of the contemplated marriage. Miss Owen was feeling badly on account of an interview with John Taylor, who had said that according to Church rules she could not be Miles' first wife. Emily Spencer was to be first, and Miss Owen second.

Cross-examination postponed.

ANGUS M. CANNON

Next testified. Live in Salt Lake. Know the defendant. Have met Emily Spencer and Caroline Owen May. A supper ordered by Miles was held at my house one night in October last. He said he intended to get married. He did not say to more than one wife. Can't tell the date of the supper. He was arrested next day. At the examination of Miles before the Commissioner I gave testimony. Heard the allegation of Miles' plural marriage. Don't know that the supper was on the evening of the day this was alleged. Miles paid for the supper beforehand; said he wanted it for his friends and that he was going to marry Miss Owen.

No cross-examination.

MRS. M. J. FOREMAN

Next sworn. Have seen defendant, Emily Spencer and Miss Owen.

Was helping at the wedding supper at Angus Cannon's one evening, at the time. Miss Owen seemed not to feel well. Miles asked her to play the piano; she said she would not play for his wife, Emily Spencer, for he called her so. Miss Owen said: "If she is your wife, then what am I?" Did not hear Miles answer.

Cross-examined. This occurred in the dining room. Emily Spencer was in the parlor. Did not hear any one call her Miss Spencer. Heard Miss Owen call her Emily Spencer. The impression of the company was that the latter was Miles' wife.

MISS ELIZA FOREMAN

Was called. Was at Angus Cannon's house on the night of the 24th of October. Miles, Owen and Spencer were there. Was in the dining room and heard what was said there. (This corroborated testimony of previous witness.)

Cross-examined. Understood it to be a wedding party, gotten up for Miles and Miss Owen.

LEO. DYKE,

The boy witness was called. Was on the porch of Angus Cannon's house, with his boys on the night of a wedding party given there in October last. Have seen Owen and Miles. Don't know Emily Spencer. I was looking through a window and saw Miss Owen go up and slap a lady sitting on the piano stool, saying, "I said I would, and I will." Before she slapped the lady, Miles said, "No you won't, she is my wife." Afterward he said, "I am ashamed of you." Miss Owen replied, "If you don't shut up I'll slap you." Miles said to the lady on the piano stool, "Sit still, you are my wife."

Cross-examined. It was a little after dark. Some other boys were with me looking through the window.

KATE CONELEY,

Recalled. I attended the wedding reception by invitation of Miss Owen. Miles introduced me to Mrs. Emily Miles, Mrs. Woodruff and Miss Young. Had been introduced to Emily Spencer before as Miles' future wife.

Heard Miss Owen command Emily to get off the piano stool. Miles told Emily not to. Owen threatened to slap her if she did not, and did slap her. Miles said he was ashamed of her (Owen) and that he would not put his wife Emily out, the first night they were married. Mr. Cannon said he would not have such conduct in his house. If Miss Owen would behave herself she could stay, otherwise she could leave. Owen did leave, crying. She came in again and went to supper with Miles. Said she was not Miles' first wife, and that the head of the table was not her place, but that she would take it, and she did. Cannon said, three Mrs. Miles being present, distinguishing names would have to be chosen. Miles' mother was there and was called Sister Miles. Owen played piano for them to dance, but said she would not play if Emily Spencer danced. She called the two Spencer girls "squaws." The party broke up about 11 o'clock. Miles went away with Emily Spencer.

Cross-examined—Miles introduced Miss Spencer to the company as his wife. He also introduced Miss Owen as his wife to a young man, and she resented it. Supper took place at about 8.30 or 9 o'clock. The piano stool affair half an hour later.

M. L. Holland was then called but was not in attendance.

Court adjourned until 9.30 Friday morning.

Proceedings Friday morning: The first witness called by the prosecution was

M. L. HOLLAND.

The witness testified that he had heard a conversation between the defendant and Miss Owen during the time of the former's examination before the commissioner. Miles had asked her if she would come back to him; and her answer was, "Yes, if you will leave the other women and take me for your only wife." In reply, the defendant said, "I will."

KATE CONNELEY

Was recalled, but her testimony was not material.

GEORGE REYNOLDS

Was then sworn: The defense objected to his testimony, on the ground that he had been convicted of a felony. After argument, the

court decided that he should be excused.

JOSEPH F. SMITH

Took the stand. He said that he had known Miles as early as last October. He was not positive that he himself was in the Endowment House on the Thursday spoken of; could not say whether he saw Miles at the House a few days prior to that time. The witness answered under protest that the Sealing Room was up stairs in the south end of the building. He declared that to the best of his recollection he did not perform a marriage ceremony between Miles and Emily Spencer. He thought that he was in the Sealing Room part of the day, and that Gen. Wells also performed marriage ceremonies on that occasion. The witness testified that he did not know if there was a book kept there containing a record of the marriages that took place.

SUSA YOUNG

Was called and sworn, but her testimony did not establish any material points.

After some delay a marshal was sent, at the request of the prosecution, to find either Daniel H. Wells, Dora Young, or Julia Spencer. He returned with the information that President Wells was on the way, but that neither of the others could be found.

DANIEL H. WELLS

Testified that he was acquainted with John Miles; did not remember having seen John Miles or Emily Spencer at the Endowment House on the first Thursday previous to the defendant's examination before Commissioner Sprague. He believed that he had performed marriage ceremonies on that day. (Several questions were then asked the witness leading to the manner of performing ceremonies.) It is the custom at the Endowment House for people being married to wear endowment robes at the marriage. The ladies wear caps different from those worn by the gentlemen. The witness declined to answer question with regard to the dress of candidates. The Court instructed the witness with regard to his privileges, and the grounds upon which he might refuse to answer. As he still declined to answer and the prosecution insisted on the question, the court committed the witness to the care of the marshal. The order was, however, rescinded that the examination might proceed.

The re-direct and cross-examinations were then concluded; and as the witness persisted in his refusal, an order was entered that he be committed to the care of the marshal to appear before court, Saturday morning at 10 o'clock, and show cause why he should not be punished for contempt.

The prosecution then called Miss Carrie Owen; but the defense objected to her being sworn and giving testimony, on the ground that she was the wife of the defendant. Judge Tilford argued ably for the defense on the objection raised; but pending a settlement of the question, court took a recess.

Friday afternoon was occupied by Judge Tilford, of the defense, in his argument against the admissibility of Carrie Owen as a witness for the prosecution. He cited authorities to prove that she, occupying the place of second wife, to the defendant, according to law, could not be admitted as a witness until the marriage to the first wife had been proven. This had not been done; not a shadow of evidence had been adduced to prove the first marriage. The defendant's confession did not constitute, by law, the required proof. The section of the Poland bill which would have made such a proceeding legal, had been wisely stricken out before it passed the Senate. The prosecution had introduced two clergymen, Messrs. Wells and Smith, both of whom had declared they did not recollect performing any ceremony for Miles and Spencer. There was not a vestige of testimony to show that the defendant had acknowledged Emily Spencer to be his first wife. President Taylor's decision as to the order of the marriage did not prove that such marriage had taken place; but admitting for argument's sake that the marriage did occur, there was no proof as to which was the first wife.

Judge Van Zile then replied. He claimed that Carrie Owen was not only a fit witness, but that the confessions of the defendant are sufficient evidence in a bigamy case, and quoted his authorities. It

was often difficult to prove the first marriage, especially in a place where marriages are secret, as in the Endowment House, where oaths of secrecy were imposed. To admit that eye-witnesses were always necessary to prove a marriage would be to license polygamy in Utah. Wells and Smith did not recollect performing the marriage in question, because they had no desire to remember it. Miles was advised by John Taylor about the marriages, and as Miles was a Mormon, he would not have dared to disregard advice, hence the marriage had taken place. (Wonderful logic.—Ed.) Emily Spencer had been introduced as Miles' wife. The prosecution expected to prove by Carrie Owen that the defendant admitted repeatedly that Emily was his first wife.

A recess was then taken until 7.30, to allow the defense time to look over authorities.

In the evening, Judge Hagan replied for the defense. He claimed that the cases cited by Judge Tilford contained the law. He then contended that the opposing authorities cited by the prosecution did not establish that confessions and admissions alone were sufficient to establish the guilt of the defendant in criminal cases. Such confessions could only be admitted as corroborative of the testimony of eye witnesses or for the identification of parties. They might be sufficient coupled with co-habitation, but there was no evidence of co-habitation; merely the naked confession of the defendant. No case could be found where conviction was based upon the same amount and character of evidence as introduced in this case. The Judge reserved his decision.

Proceedings Saturday morning

Upon the opening of the Court, his honor, Judge Emerson, reviewed the question relative to the competency of Carrie Owen as a witness against the defendant. He overruled the objection of the defense, and ordered that the witness be allowed to testify.

Defense excepted to the ruling.

CARRIE OWEN

Was sworn: She came to Utah last October. Knew John Miles 10 years ago in London. Is 23 years of age. Miles is 13 months older than witness. Their acquaintance lasted until Miles went to sea in 1870. She was engaged to Miles; who wrote to her, after he went to sea, asking her to be his wife. The ship he sailed with was wrecked, and for three years she supposed him lost. She next heard of him when he met her in England as a Mormon missionary. He told her that he was engaged to two girls in St. George, Utah; but afterward said that he would write to these girls and give them up for her sake. He could not marry her while there because that would not be according to the rule of the church. When she came with him she fully expected at any rate, to be his first wife. Her business had been that of a teacher. After coming here she went to Angus Cannon's and remained there three weeks before the marriage. During the interval she became acquainted with Katie Conneley. At Katie's brother's house, there was some talk about the marriage. Witness told there that she was dissatisfied with the decision of John Taylor. Miles heard all the talk, though he pretended to be asleep. It was settled that Emily was to be first wife. Witness went to President Taylor and said to him that Miles should make her (the witness) first wife as he had tried to wrong her in New York. But her plea was not sufficient. The arrangement, as witness understood when she went to the Endowment House, was that Emily was to be first, herself second, and Julia third. The reception took place afterward at Angus Cannon's. Witness had told John not to have Emily come or she would insult her. Witness took an oath to that effect while in the Endowment House. At the reception she slapped Emily for not rising from the music stool at her request. She, after supper, refused to play because Miles wanted to dance with "his wife, Emily," and would dance with no one else. Witness then went away from the reception. When Miles came to her room at night he locked the door, and said he would make sure of her—he was already sure of Emily Spencer. Miles and George Cannon were the persons who brought her back to the house. Witness afterwards

went to St. George with Miles, who frequently told her that she was only his second wife, while Emily was his first wife; and that when his trial was over he intended to marry Julia; and that witness could tell the damned lawyers in Salt Lake all about it. She did not live with Miles at St. George. When at the Endowment House, she had seen Emily Spencer wearing the usual marriage dress—robe, cap, apron and moccasins. Emily had previously had her endowments at St. George. Witness took hers that day; and after that Miles took her by the hand and their names were registered; Daniel H. Wells performed the ceremony, and when Miles and witness were kneeling at the altar, he told defendant that his first wife should be present. After leaving the House at 3.30 o'clock, witness went with Miles to Angus Cannon's. Witness said that when parties went into the Endowment House, they were sworn never to reveal anything that was said or done.

Cross-examination: The day after the marriage she went to Marshal Shaughnessy's; afterwards she went to American Fork and found Miles, as he had taken her things. When they came back they lived together, Miles staying with her whenever he wished to. She did not live with him as his wife, but as his mistress. She had not got all her things. When in England, the whole situation had been explained to her with regard to the Spencer girls. She was to become his first wife at all hazards. There was, however, some talk of his going into polygamy. When they went to Connelly's house Miles' "whole tribe" went with him—his mother, three boys, and a girl. Witness was also one of the tribe. When the conversation took place at Connelly's, Miles had said that he must obey counsel. He put his arm around her waist and she became indignant. She said she would not become his second wife. Could not remember whether she had been to John Taylor previous to this time. It was very likely that she said to Miles, "I will marry you, but I will either poison or kill you afterward." Had certainly used those words, but could not distinctly remember when. Emily Spencer told witness that she had taken her endowments at St. George. She had also seen Emily wearing the garments, prior to the day of the marriage.

Defense moved to strike out this answer as being but hearsay. Motion overruled.

Immediately after leaving the house, Miles spoke of Emily as being his wife. The reception was given at her request. She did not want to have Emily Spencer present. Miles had said that she should come, as she was as much his wife as witness was. During the time of the examination before Commissioner Sprague witness did not go to Connelly's house and ask him to tell her if she were Miles' first or second wife.

Judge Hagan presented a written paper to witness, and she declared that the signature to the same was in her own hand writing.

When witness slapped Emily Spencer, the latter said nothing but remained seated. There was no more slapping that night. Miles took witness to supper. She took the head of the table. After supper Miles wanted to sing to show his talent. He did not show his talent. After Emily Spencer went away with Miles, witness went to Sarah Cannon's house. Witness was in bed when defendant came to her room. He remained there all night. Witness furnished part of the bed-clothing. She did not think that he would have the impudence to return. She objected to his remaining.

By Judge Hagan—How much did you object?

Witness—I wish you had been there to have seen.

Judge Hagan—I wish I had too.

[Loud laughter in Court. The Court said that upon a repetition of the demonstration, the room would be cleared.]

Witness objected to his remaining as her husband until he talked her over. After she left Marshal Shaughnessy's, she went to American Fork and found Miles there. She returned the next morning with Miles. Did not kiss or hug him while on the train. Went to Angus Cannon's house, and remained there a month. Went riding with Miles once.

Question—Do you know the con-