

objected to the proceedings, and Crow wanted to arrest him. Baskin defied him. The crowd was pretty excited, and was mostly "Mormon."

To Thurman—The crowd was not mostly Gentile. I can't name any of the "Mormons" there except Crow.

JOSEPH FOLLETT, an aged and nearly blind gentleman, came forward for the defense, and testified—I was 75 last June; reside at Weston, Idaho; lived in Utah 27 years; came in 1862, in Capt. Dame's company; there were about sixty wagons; I remember a man named Wardell in the company; I worked with him a couple of years afterward in Salt Lake County. Wardell had his wife and children on the plains. There was no man in our company named Green. No man of our company was killed, nor was there any killing that I knew of. Wardell's story about the killing is entirely false. Nothing of that nature took place. I never heard of such a thing till last Wednesday, when I was called to this city. There was a woman killed in our train, by being run over by a wagon. An old gentleman from England died in our camp. He was sick when we started. No one was lost from our train.

To Dickson—I am a member of the Church.

GEORGE R. EMERY, testified—I am a Seventy in the "Mormon" Church; am clerk in the Sixteenth Ward; (identifying a document) that paper was issued by order of the Bishop of the ward.

OTTO VAN OSTROM testified that the document shown Mr. Emery was served on him. It was relating to a dispute with J. L. Johnson. The suit had been decided in the Commissioner's Court, in Van Ostrom's favor, and he received the document after that decision was made.

The paper was offered in evidence and objected to. The court overruled the objection.

The notice was for Van Ostrom to answer, on Nov. 27, to a charge for unchristianlike conduct, in enforcing a contract made without a proper understanding.

Dickson read several extracts from remarks by Heber C. Kimball, John Taylor, and Orson Hyde in 1857 and 1858.

Mr. Dickson read from C. W. Penrose's address on "Blood Atonement," in which reference is made to the doctrine of plural marriage, and the law of 1862 commented upon as unconstitutional. He also presented an account of the return of Bishop George Halliday, of Sautaukin, from the penitentiary, and the welcome he received. Of this Dickson said its publication has led the minds of the children from the government.

LeGrand Young said he would not be one among those to condemn honorable men who suffered imprisonment for what they believed to be right, or to condemn those who welcomed such men on their return from prison. Would Mr. Dickson have had them burn him?

Court—They were honoring a man for disobeying the law.

LeGrand Young—Is it an evidence of disloyalty because they welcomed a man whom they loved?

The court said it was an unusual thing to welcome a man from the penitentiary.

Dickson read from the case of O. P. Arnold, in April, 1885, when he promised to obey the law. He said he read it to show that those who agreed to obey the law were treated with contempt and disfavor by the people. Dickson said that Mr. Arnold was afterwards convicted and imprisoned for violating the law a second time.

Dickson read two editorials from the DESERET NEWS of October 7, 1885, relative to the cases of Bishop H. B. Clawson and S. W. Sears. The one on the position of the former is entitled "Imprisonment and Honor," and the latter "Liberty and Dishonor." In the same paper the course of T. O. Angell is mentioned.

LeGrand Young insisted that the remarks of those who had been disfranchised should not be accepted as evidence, in view of the fact that a large majority of the Church were not polygamists.

Baskin said the statement that polygamy is less prevalent or firmly rooted today than heretofore he believed to be incorrect. Polygamists were not allowed to vote but they took part in public meetings and were teachers of the people.

Dickson said that for nearly thirty years the government had striven to suppress polygamy, but it was just as prevalent as ever. He thought it a disgrace to admit a Mormon to citizenship, and the practice could not be stopped too soon.

LeGrand Young said that he knew polygamy was on the decrease. This is a matter that is well known as history. Compare it with the condition in 1851 and 1852, when nearly every man was a polygamist. Now it is entirely different, and most of the cases now prosecuted were for unlawful cohabitation.

Baskin said the people have been drilled better in playing possum.

LeGrand Young said that remark was unworthy of even Baskin. One reason for the great number of convictions was on a technical construction of the law, and the last years had produced a greater number because they had kept out of the way to avoid Dickson's segregation scheme which would send a man to prison for life, and was set aside by the courts. There was also the unusual severity of the courts at first.

Dickson said that in the early history of the prosecutions the Church leaders urged the people to go into polygamy. One polygamous marriage had been celebrated this year. Every case had been fought where there was a chance of escape.

The Court said that while the applicant was not responsible for the utterances of the DESERET NEWS, yet it was the organ of the Church which he belonged to. For belonging to it he is partly responsible. It's a case of being in bad

company, and that is the basis of the objection to him.

R. W. Young said these utterances were to polygamists, and not to monogamists.

The Court said the editorials encouraged breaking the law.

Dickson read an editorial from the NEWS of October 31, 1885, commenting on the opposition to celestial marriage.

Baskin read from a discourse by F. D. Richards, July 14, 1855.

Baskin's manner to the attorneys on the other side was at times exceedingly insolent.

Baskin then took up the Book of Mormon, and with an insulting remark to the attorneys for the defense, read from the book relative to the prohibition of polygamy among the Nephites.

Baskin also read a revelation given in 1841, directing the family of E. Robinson to be charitable to a family that needed comfort and assistance. He also read from an old edition of the Doctrine and Covenants, saying that the same revelation was not in the new edition—a statement that is an error.

In the revelation about the Nauvoo House, the Court interrupted by saying, "The rates per day are not given are they?"

Mr. Thurman said he protested against this reading if it was done solely to make mirth.

R. W. Young—I will say in reply to the Court's remark about the rates, that it was understood that strangers were to be entertained free of charge at the Nauvoo House.

Baskin was allowed to go on with his reading. When he got through court took recess till 7:30 p.m. At the evening session

MARK M'KIMMINS testified—I know Charles Gilmor; I think his reputation for truth and veracity is good. I never heard anything against him.

To LeGrand Young—I am acquainted with one person who resides near Gilmor; never conversed with any of his neighbors about him. I sold him some horses six or seven years ago; we speak when we meet; that is all our intimacy.

DEPUTY ARTHUR PRATT testified—When D. H. Wells was released from the penitentiary I was a deputy marshal. Judge Emerson committed Mr. Wells. The procession was a very large one, made up of vehicles, horsemen and children. The police were ahead. D. H. Wells was in a carriage near the head of the procession.

LeGrand Young—Is a procession by the people unlawful?

Dickson—I want to show its magnitude.

LeGrand Young—People may admire a man without committing treason.

Baskin—When a man was coming from prison is it proper to give him an ovation?

LeGrand Young—It is not unlawful.

Pratt—One of the banners had the words, "We believe in polygamy." The procession was cheering, and D. H. Wells acknowledged the cheers. In 1874 or 1875, I had a subpoena from the Third District