

In your investigation you should proceed fairly, candidly, without passion or prejudice, and you should not be influenced by partiality or fear of any consequences that may come from a full and fair investigation.

The names of the witnesses, I suppose—some, at least—can be obtained from Mr. Rawlins. The United States Attorney will give you any assistance you may require.

The grand jury then retired to their room.

OGDEN BRIBERY CASE.

On Saturday, September 13th a serious affair was unearthed, although the police have been working on it for two days. All kinds of rumors were flying around the streets regarding the matter, and a reporter called on Mr. Charles Morris, proprietor of the Central Hotel, whom the first rumors named as one of the parties most deeply interested. Asked for his side of the story, he gave it substantially as follows:

A lady friend of Mr. Morris', who lives in a frame house on Grant Avenue, had asked the loan of some money in order to purchase a piece of property on which to erect her a home. She had, in company with a real estate dealer, looked over the City for a suitable place, and at last decided on one that suited her. She asked Mr. Morris to come to her home the evening of the 10th inst. and he, after making known the fact to his wife, went in company with the real estate agent, to the house. They became interested in the talk about houses and lots and did not notice the flight of time until on looking at the clock Morris discovered that it was nearly midnight. There were present in the room at this time besides Morris and the lady, her brother and sister-in-law. Mr. Morris declared his intentions of leaving and the others went up stairs to bed. Just as he got to the outside door it was nearly knocked in by someone from the outside and Morris hastened to undo it. On opening it he was confronted by Deputy United States Marshals McLellan and Whetstone, who placed him under arrest for alleged resorting to an unlawful house, which they claimed this was—an assertion that Morris indignantly denies, saying that the party who resides there is as good and pure as ever lived.

Morris was marched out into the street and when passing the house of ex-Policeman Johnson, the latter came out and said: "Morris, this matter has got to be hushed up. It will ruin you." Morris acknowledged that he knew it would. The four then continued down the street. During their walk the marshal and Johnson said they would let Morris go and hush the thing up for \$500. Morris told them he did not have that much and Johnson proposed \$300 and the balance in thirty days. This Morris agreed to give, and told Johnson to call on him the next day and get the check.

Everything being satisfactorily

arranged, the party separated. The next day Johnson called for the check and got it, but in the meanwhile the check had been ordered stopped at the bank. Of course the money was refused and the case thus far being clear, Johnson was arrested, as also was Marshal Whetstone, and taken before Judge Preshaw. Whetstone was released on his own recognizance and Johnson held in \$1500 bonds, which he was unable to furnish yesterday.

It was also rumored that the police knew of the proposed arrest and watched McLellan and Whetstone go to the house to arrest Morris. One of the police was seen last night and said that the above was "straight goods" according to his knowledge. Further than this the city officials decline to talk.

Marshal Whetstone could not be found and when last heard from Marshal McLellan was in the north country hunting for Rogers.

The case comes up and the preliminary examination will be held Monday when some interesting facts may be learned.

The examination of Marshals McLellan, Whetstone and Johnson, charged with accepting a bribe from Mr. Morris whom they had under arrest, was resumed before Judge Preshaw September 17th in the City Council chamber.

The prosecution examined Mrs. Wright's brother and sister and Mr. Morris' hotel clerk. The evidence was substantially the same as that already given. The prosecution here rested and the defence began. Johnson was called and a few new points were brought out and a large number of facts asserted by the witnesses for the prosecution were denied by those of the defense.

Johnson—Morris was standing at the door and called me in. I endorsed the check and recognized the signature. [The check was here introduced as evidence.] He asked me to go and cash the check for him. Told me to bring the money back. I could not find Morris until the next day. I did not know a warrant was out for my arrest.

To Maginnis—I was arrested about 4 o'clock Friday. I have been annoyed to death every day by the woman calling my wife foul names. I wanted to get rid of her. I did not have any ill feeling against Morris. I could not find him until the next day; had been there several times. Marshals McLellan and Whetstone were also examined.

Both the defense and prosecution then rested and the argument commenced.

Attorney Smith for the prosecution—This case is a misdemeanor. It is apparent from the testimony that two of the defendants are United States marshals and one of them is not an officer. We find Mr. Morris' testimony throughout has been corroborated. Had Johnson been acting honestly he would have searched the town to find Morris. What did they walk him around for when they already knew there was no case against him? The officers have said themselves that they

knew of nothing suspicious. I think it is the duty of your Honor to find all of the defendants guilty.

Judge Maginnis—That check was prepared beforehand and on the advice of learned counsel. There is no reason why their word is not as good as Morris'. They will lose their positions if this thing is settled against them. Under the Edmunds-Tucker law Morris would have been convicted. Great lengths have been gone to by the courts, and my private opinion is that it has been carried too far, but it has been done and the testimony would convict him.

The judge asked to be excused, and lawyer Kimball took up the case. We find that two of the defendants were U. S. marshals. They had a suspicion that an offense was about to be committed, and therefore went down to Mrs. Wright's to get the guilty parties. They went down deliberately and with a policeman in full sight. There was sufficient evidence under the laws of this Territory to not only hold them, but to convict. Does your Honor think that if money had been the motive they would have taken his word and put it in his power to stop the check, and have written evidence of the fact. It is plain that they have failed to establish the guilt of the defendants.

Kentucky Smith—I have yet to see a case come up in court that the party who is charged with the offense came into the court and plead guilty. The evidence of the guilt of McLellan and Johnson is too conclusive, but if Whetstone had been honest and told the truth I would have favored his release. We rest.

The Court—The evidence in this case shows that on the night mentioned these marshals went into the house of Mrs. Wright, and arrested Morris. They walked two or three blocks on the street, and Mr. Morris said he was very anxious to be released and finally a deal was made by which \$300 was to be paid down and the balance later. This the defendants deny. Further developments must govern. In regard to the part taken by Mr. Whetstone it is agreed by both sides that there is no doubt of the guiltiness of that gentleman. I think the evidence is conclusive of the guilt of Marshal McLellan and Johnson and therefore the court does so find, and Whetstone not guilty. The law in regard to the sentence was read and both of the prisoners waived the law and demanded immediate sentence.

The court finds the two defendants guilty of a misdemeanor and therefore sentence is \$299 each.

McLellan and Johnson gave notice of appeal.

The bond was fixed at \$1,000 each.—Standard.

That a person may stand between the poles of the strongest magnet, one of which might hold up a ton of iron, without the slightest perceptible effects upon any of the bodily functions being produced.