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dence and were entitled to the broadest latitude where, as in this case, a witness was hostile to the prosecution. They had a right, he claimed, to reach evidence by indirection, as by asking a witness if he did not remember testifying differently before another tribunal or on another occasion, to what he now did, if it was the intention to refresh the witness' memory and follow up by further evidence connected with the question.

The Court held that the procedure of the prosecution was allowable, and the witness was permitted to answer the question, which he did to the effect that his silence respecting the defendant's relationship with Lydia was not due to his knowing that she was his wife. He was next asked if he knew yet where his wife, Mrs. Annie Dinwoodey was, and answered that he did not; he was also asked if he did not know she was hiding away to avoid being subpoenaed. He disclaimed this also. Excused.

HATTIE JONES,

A girl living at Mrs. Annie Dinwoodey's, was next sworn: "I have never seen Lydia Spencer. I do not know that there were nights, during the time defendant and his wife lived at Mrs. Dinwoodey's, when he did not stop there; I do not remember declining to stay all night with Miss Clays, on the ground that I had to stay with Florence in her husband's absence. Excused.

James E. Caine was sworn and repeated his former testimony. John M. Young was then put on the stand.

FROM SATURDAY'S DAILY, OCT. 25.

Monster Murphies.—At the store of Mr. Brooks, west of Butcher's Row, First South Street, a basket of tremendous tubers can be seen. Seventeen of them make a bushel. They are of the mammoth Pearl variety and were raised by Mr. Woodbury, of the Seventh ward. He has a bushel of the same kind at home consisting of fourteen potatoes. He purposes sending them, for exhibition, to the New Orleans Exposition.

Returned.—A few days ago Elders David H. Cannon, Jr., son of Bishop Cannon, of St. George, and John H. Maughan, son of Wm. Maughan, of Wellsville, returned from a mission to the States. The former left for his field of labor Oct. 9th, 1883. He labored first in Arkansas and latterly in Texas.

Elder Maughan left Utah Feb. 27th, 1883, and labored in Virginia, where he remained about a year, when he proceeded to Texas, laboring the remainder of the time in conjunction with Elder Cannon.

From Tennessee.—Brigham A. Holbrook, of East Bountiful, having recently returned from a mission, called the other day. We learned from him that he left here April 10th, 1883, and labored in Wilson, De Kalb, Jackson, and Overton counties, Tennessee. He assisted in baptizing six persons, attended 125 meetings and bore testimony to the truth of the Gospel 115 times. The largest congregation addressed was composed of 600 people. He had plenty of friends, food and shelter. He walked 3,150 miles on foot, traveled 200 miles on horseback, or by wagon, etc. During a portion of the time his health was poor, being afflicted with chills and fever.

LYDIA SPENCER.

SHE REFUSES TO BE SWORN OR TO AFFIRM, AND PASSES THE NIGHT IN PRISON.—SHE IS BROUGHT INTO COURT THIS MORNING, TAKES THE OATH, AND ADMITS THAT SHE IS THE WIFE OF RUDGER CLAWSON.—VERDICT OF GUILTY AGAINST THE DEFENDANT.

The climacteric incident in the Clawson polygamy trial was reached yesterday afternoon, shortly after our report closed for the day. It was the calling of Lydia Spencer to the witness stand, and her refusal to take the oath, or even to affirm, according to the legal custom before a witness gives evidence. Following is a verbatim report of the highly dramatic scene. John M. Young having testified simply to the extent of repeating his former evidence—Mr. Dickson said, "Call Lydia Spencer."

The lady named arose, and, amid a general stir of interest, walked up to the witness chair with compressed lips, determined air, and a face pale with emotion. The clerk asked her to stand up and take the oath. She answered, "I decline to take it."

Mr. Dickson—Will you affirm?

A.—No, sir.

Q.—What's your reason?

A.—Well, I just decline to take it.

Mr. Varian—Will your honor instruct the witness in this case?

Judge Zane—Do you decline to take the oath?

A.—Yes, sir.

Judge Zane—Do you decline to affirm?

A.—Yes, sir.

Mr. Varian—You decline to be a witness, as I understand?

A.—Yes, sir.

Mr. Dickson—We will ask your honor to wait for a few moments. We will contend, if your honor please, that this refusal to be sworn without any reason given is a contempt of court. There is no question about that. And we say it is contempt punishable under the United States. In the Organic Act this court, in United States cases, is, by express provision, invested with the

power of a court of the United States circuit. This being a United States case, contempt, if committed on the trial of the United States case, is punishable, as we shall contend, under United States laws, and not under the Territorial laws. The Territorial law is limited as to its period of punishment—namely, five days. We claim that it is punishable under the United States laws; that it is in the discretion of the court to order the witness to be confined for a year or for any reasonable time, and we wish to be heard on that question.

Judge Zane—Very well.

Mr. Dickson—I will ask the witness one or two questions before the argument is commenced. I understand (addressing Miss Lydia Spencer) you decline to be sworn in this case?

A.—Yes, sir.

Q.—Is it because you have any conscientious scruples against taking an oath in any case, or is it simply that you decline to be a witness in this case?

A.—I do not care to be a witness in any case.

Q.—Do you decline to affirm?

A.—I do.

Q.—Do you decline absolutely to testify at all in this case?

A.—I do.

The prosecution had evidently anticipated just such an outcome as this, as Mr. Snow had left the room immediately before Miss Spencer had been called. He now returned with his arms laden with law books, and asked, on the part of the prosecution, to be heard in support of the motion he was about to make.

He then said that, in behalf of the government, however disagreeable it might be, he begged to move that this lady be committed for contempt for refusing to act as a witness in this case. In making that motion he asked, not that she be committed for two, three, or five days—which would be the limit of the length of imprisonment for contempt under the local Territorial Statute, under the special practice act of 1874, and applicable to civil cases—but it was a motion that his honor exercise the broad power conferred upon him as the representative of that court—the court of general jurisdiction—and to commit this lady to imprisonment for such a time as his honor might see fit.

Mr. Snow then cited the case of Miss Schofield, the reputed second wife of George Reynolds, and proceeded to make an address on that celebrated case when Mr. Bennett objected to the argument proceeding in the presence of the jury.

The jury were therefore conducted to another apartment by the bailiffs.

Mr. Snow proceeded by citing the Connelly case, the Belle Harris case, and the Nellie White case, drawing attention to the brief imprisonment each one had endured for contempt; he then came to the present case, stated that the witness declined testifying on no conscientious grounds, but merely because she objected to giving evidence in this particular case. More than an hour was then consumed by Mr. Snow in reading various authorities to support the view that the Court possessed the power to imprison for contempt for any length of time it saw fit; during the whole argument Miss Spencer sat quietly in the witness chair, while the spectators yawned, shuffled their feet and in other ways testified their weariness.

Mr. Varian supplemented the remarks of Mr. Snow by quoting other authorities, and concluded by asking that the witness be adjudicated in contempt, and that if the final decision is not reached now that the criminal be kept in custody and not allowed to leave court.

Judge Zane—This is a case of contempt, there can be no question, and the order will be made giving the custody of the witness to the Marshal, to be held until the final judgment is rendered on this matter.

A brief pause occurred, during which Miss Spencer sat quietly awaiting the next move—every spectator stretching his neck to the utmost to gain a view of her.

Judge Zane turned to her and broke the silence by saying: Now, Miss Spencer, don't you know it is wrong for you not to be sworn or affirm and testify?

A.—It may be.

Q.—That being so, you don't want to do wrong?

A.—I decline to take it.

Judge—You know the consequence is, that you may have to be imprisoned, for how long I do not wish to say yet?

A.—No, that depends on you.

Judge—Well, in view of that, don't you think you ought to answer the truth?

A.—Not if I don't feel like it.

Judge—Well, you understand the consequences of it. You take a fearful responsibility in undertaking to defy the government. You stand as a criminal before the law, and it is your duty to testify; and you must testify or else you must take the consequences. If you are not ready to determine now, you think about it before morning—think about it seriously. Remember you become a criminal in the estimation of the law and will have to take the consequences of being a felon as far as the imprisonment is concerned. You will be committed to the custody of the Marshal until morning.

The Court then adjourned until 10 a. m. to-day, and the crowd reluctantly dispersed. Miss Spencer was taken out to the Penitentiary soon afterwards, and passed the night under the

same roof which shelters the condemned criminals of the Territory.

Saturday, Oct. 25th.

The overwhelming majority of those who went early to court this morning, to avoid the crowd and secure a seat—within or without the rail, according to sex, social standing or the altitude of their self-esteem—arrived just in time to find the places they had mentally reserved already occupied, and anathematize themselves for not coming earlier. Before 10 o'clock every chair, table and bench was taken, many ladies being included in the crowd, and some standing up. This of itself is sufficient to show the size and quality of the congregation. The counsel for both sides, the jurors and the defendant were all in their places before Judge Zane arrived, he being for some reason a little less punctual than usual.

At 20 minutes past 10 o'clock the Judge made his appearance, and about the same time Lydia Spencer, the recalcitrant witness, walked into the Court-room. She was sad-eyed and pale, and wore an expression which gave token of a night of agony. Her appearance awakened a feeling of sympathy in the breasts of all capable of feeling it, while others with those vulture-like instincts which human beings sometimes manifest, sat gloating upon the picture of helpless distress.

"Call Miss Lydia Spencer," rang out the voice of Mr. Dickson, the prosecuting attorney. The lady arose from where she sat, and walked up and took the witness chair. Before anything further was done, Mr. J. L. Rawlins, her attorney, addressed the Court and asked the privilege, before final judgment was passed in this matter—providing it should come to that—of being heard in Miss Spencer's behalf. His request was granted, and he resumed his seat.

Judge Zane (to witness)—"Are you willing to be sworn this morning?"

Miss Spencer—"Yes."

The increased interest and elongated necks of the spectators were now painful to behold. The witness lifted her hand and assented to the oath, which fell like the pattering of rain from the practised lips of the clerk.

Mr. Dickson—"Miss Spencer, are you married?"

Witness (in a low tone)—"Yes sir."

"To whom?"

"To Rudger Clawson."

"When were you married?"

"In 1883."

"Where?"

"In this city."

A pause, during which the prosecuting counsel consulted.

Mr. Dickson—"What month was it?"

Witness—"I don't remember."

Q.—"It was in the year 1883?"

A.—"Yes, sir."

Q.—"And in this city and county?"

A.—"Yes, sir."

Mr. Dickson—"That's all."

Judge Zane (to witness)—You are discharged from custody.

The lady left the stand and soon after passed out of the room, many of the crowd following her and straining their eyes to get a glimpse of her before she vanished. She was escorted home by Bishop H. B. Clawson, father of the defendant.

Mr. Dickson now announced that the prosecution submitted their case without argument, and rested here, with the understanding that the other side had no evidence to offer.

Mr. Bennett arose and said it was mutually agreed that the case be submitted without argument or evidence for the defense, but he added that they desired to hand in a bill of instructions which it would require a little time to prepare, and asked that a respite be given until two o'clock for that purpose. The other side assented, with the stipulation that they be allowed to see the instructions before they were handed in. This being agreed to, the Judge granted the time asked for, and ordered that the Court take recess until 2 p. m.

The jury were charged, as usual, against holding converse outside of their own number, etc., and then committed to the sworn care of a couple of bailiffs, who conducted them to the jury room. It was now half-past ten a. m. The throng moved slowly out of the building, impeded at intervals by little knots of gossipers, busily discussing the outcome of the morning's session.

2 p. m.

A few minutes after the above hour Chief Justice Zane took his seat and ordered the jury roll to be called. All present.

Mr. Bennett stated that on further consideration the defense had decided to present no request for instructions. The Judge asked the prosecution if they had any request to make, and on receiving a negative answer, proceeded to charge the jury as follows:

Gentlemen of the Jury—I will read to you the charge. The Court charges you that the laws of the United States of America, in force in the Territory of Utah, declare that every person who has a wife living and marries another, is guilty of polygamy, and that the first count of the indictment upon which the defendant stands charged, states that on the 1st day of August, 1882, Rudger Clawson, the defendant, married Florence Ann Dinwoodey, with whom he is still living as a wife and from whom he has not been divorced, and that afterwards on the 1st day of June, 1883, he married Lydia Spencer in the Third Judicial District. The laws of the United States also declare that any male person who cohabits with more than one woman is guilty of a misdemeanor, and the second count in the same indictment charges that on the 1st day of

June, 1883, and on divers other days, between that day and the 17th of August, 1884, the defendant cohabited with Florence Ann Clawson and Lydia Spencer, treating them as his wives.

The Court charges you that cohabitation in a legal sense, as applied in this case, means the living together of a man and woman as husband and wife, or under such circumstances as induces a reasonable belief of the practice of sexual intercourse. To both points of the indictment the defendant has pleaded not guilty, and the law presumes him innocent until the evidence shows his guilt beyond a reasonable doubt.

The Court further charges you that it is not necessary that the evidence shall show the marriages mentioned actually occurred on the particular days named in the indictment.

Gentlemen, you are the sole judges of the credibility of the witnesses, of the weight of the evidence and of the question of the facts material to the issues. You should diligently and impartially consider all the evidence before you, and reach such conclusions and beliefs with respect to the guilt or innocence of the defendant on both counts of the indictment as you may be able to in your best judgment.

The Court charges you as to the form of your verdict—that if you find the defendant guilty on both counts of the indictment the form of your verdict will be, "The Jury find the defendant guilty on both counts of the indictment, on one count of the indictment, and not on the other, you will in your verdict name the count upon which you find him guilty. If you find the defendant not guilty you will say that "The Jury find the defendant not guilty."

The jury then retired, Mr. Bennett asking and receiving permission from the court to make an exception to the instructions at any time in the future. It was about fifteen minutes after o'clock when the jury went out. Seventeen minutes later they refiled into the presence of the court and resuming their seats in the box, were asked by the Judge if they had agreed upon a verdict. The foreman, Mr. Bowers, answered "We have," and handed a paper to the clerk who read aloud from it the following:

VERDICT.

"In the District Court for the Third Judicial District of Utah Territory, County of Salt Lake.

The United States vs. Rudger Clawson; polygamy; We, the jurors empaneled in the above case, find the defendant, Rudger Clawson, guilty on both counts of the indictment, as charged in the indictment.

W. H. H. BOWERS, Foreman.

The jurors were asked if this was their verdict, and on affirming such to be the case, were discharged.

Mr. Dickson now made a motion that the defendant be committed for safe keeping to the custody of the Marshal, pending judgment upon the verdict and that he be not admitted to bail. An argument ensued and the Court sustained the motion, but reconsidered the matter and after further argument decided to admit defendant to bail on \$3,000 bonds.

FROM MONDAY'S DAILY, OCT. 27.

Change of Time.—The Utah Central Railway will make the following changes in its time card, to take effect to-morrow, October 28th: The Pacific Express will leave Salt Lake City at 7.30 a. m. instead of 7.20 a. m.; the Atlantic Express will arrive in Salt Lake at 7.40 p. m. instead of 7.50.

A Valuable Work.—One of the best books which is being offered to the public at the present time is entitled, "The Golden Gems of Life." It is intended for the home circle. It treats on subjects in which both old and young, married and single, male and female, in every condition of life should be interested. It is a pure book. Its sentiments are lofty, but couched in simple language. Its morality is without taint, its advice is timely and sound, and its tendency is to elevate and refine. The duties and relationships of the family are touched upon with delicacy and yet, with force, and the husband and the wife, the parent and the child will find in its pages the expression of thoughts which, entering into practical life, will benefit the individual and purify society. The work is clearly printed on fine paper, the numerous engravings are finely executed, it is beautifully bound, and is worthy of a place in any library. Ernest S. Penrose is agent for this gem of a book in the eastern counties.

From the North-Western States Mission.—This morning we received a call from Elder John E. Booth, Assistant President of the North-Western States Mission, who has just returned from his field of labor, in which he has been operating for a little over one year. During that time he had the personal supervision of the mission, Elder Palmer being absent at home.

He reports having got along well, and suffered no personal violence at the hands of mobs, although threats were extensive and severe. The newspapers were very partisan, and advocated that almost any measures would be justifiable so long as the result desired could be attained—the expulsion of Elder Booth from that part of the country.

Brother Booth, personally, baptized twelve persons. Thirty-five Elders have been in the mission during the

past summer, every one of whom is a zealous worker, and with but slight exception all observe the Word of Wisdom, refraining from all intoxicating beverages, tea, coffee and all hot drinks, tobacco, etc.

Mob violence against the Elders is very frequent in the Indiana Conference, but there is little or no manifestation of that kind in Minnesota. The anti-polygamy plank in the Republican platform has greatly hindered the labors of the Elders, by intensifying the popular hatred against them. No specific charges are preferred against the brethren, the allegations being of a general character. In reference to them the common law rule of holding a man innocent until proved guilty is reversed, and the Elders or "Mormons" generally are held to be guilty until they prove themselves innocent.

Elder Booth speaks in the most commendable terms of the kindness manifested to the Elders by the Shelby family and the Saints of Johnsonville.

Lecture on the Mountain Meadows Tragedy.—Last night the Twelfth ward Assembly Rooms was not only packed in every part, but hundreds were unable to gain admittance to the Hall, showing the intense public interest in the subject—"The Mountain Meadow Massacre," upon which it had been announced that Elder C. W. Penrose would treat. That gentleman entered upon the task before him precisely at 15 minutes past seven and concluded at 20 minutes to ten. He spent no time in preliminaries but at once plunged into the subject before him. He began by giving an account of the horrible tragedy, and described the detestation with which it was viewed by the entire "Mormon" people as a body. He then proceeded to state who the guilty parties were; that Brigham Young was not only entirely free from being accessory to the crime before or after the fact, but took the only steps within his power to prevent its commission; that none of the authorities of the Church had anything to do with it in any shape whatever; and that the Church as a body was as clear of that deed as any community on the most distant part of the globe. The lecturer's own remarks were limited compared with the overwhelming mass of incontrovertible testimony he adduced to sustain the several positions he assumed. It consisted of a wide variety of documents and a number of published works, the whole comprising a chain of evidence probably as strong, convincing and complete as was ever presented on any subject. He not only sustained his points in the ordinary sense of the term, but absolutely proved them. One of the chief peculiarities of the evidence used was that a large amount of it proceeded from decidedly anti-"Mormon" sources, and from productions intended to militate against the Church.

We have not given a synopsis of the lecture, because an adequate idea of it could not be conveyed by that method. Before long, however, it will, we expect, associated with Mr. Penrose's lecture delivered two weeks previous on "Blood Atonement," be given to the public in full.

"OLE VIRGINNY."

ELDERS KIMBALL AND WOOLLEY'S ACCOUNT OF AFFAIRS IN THE OLD DOMINION.

This morning we had the pleasure of meeting and greeting Elders Newel W. Kimball and John E. Woolley, the former a son of the late President Heber C. Kimball and the latter a son of the late Bishop Edwin D. Woolley. Both returned last evening, per the D. & R. G. train, from the Southern States, from which mission they were released at the last Virginia Conference, held on the 27th and 28th of September.

Elder Kimball left here October 31st, 1884, and went direct to Chattanooga, Tennessee, where he was assigned by President Morgan to Virginia and labored in that State the whole of the time he was away. He baptized eleven souls, assisted in fourteen other baptisms, and traveled through seventeen counties, taking in the northwestern and southwestern portions of the State.

He labored first with Elder Howard Coray in Smith and Bland Counties, and was there about six months, but as it was an old, worn-out field, he saw but little results of his labors. The latter part of the time he had Elder George A. Biglow to travel with. He was then assigned to Pulaski, Wythe and Giles Counties, in company with his brother, Jonathan G., but though these were new fields they met with little success, but with considerable bad treatment. No violence resulted, but they were often threatened. He next went with Elder Joseph Smith to open a new field in Bath County, in the northwest, where they baptized eleven persons and established a branch. They met opposition here, but it resulted in good, as is generally the case.

He was then called to preside over the Virginia Conference, and went into Amherst County with his brother Hyrum, where he staid three months. Of his experience in that region our readers are already informed by extracts from his private letters published in the News. Amherst County is now the most thriving field in the State. Since February, when it was opened by Elders J. T. Heninger, J. G. Kimball and C. A. Welsh, there had been 31 baptisms up to the time our informant left. Elder Hyrum H. Kimball is now laboring there with excellent