DESERET EVENING NEWS.

TRUTH AND LIBERTY.

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THE EVENING NEWS

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d 138

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d97

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ADMINISTRATOR'S NOTICE

In the Probate Court in and for Salt Lake County, Territory of Utah,

In the matter of the estate of EZRA OAKLEY, deceased.

TO the creditors of the deceased. All persons having claims against the deceased are hereby required to exhibit them, with the necessary vouchers, within ten months after the first publication of this notice, to me, the undersigned, at my residence, West Temple, between Third and Fourth South Streets, Salt Lake City.

ALFRED BEST.

Salt Lake City, Feb. 14th, 1879.

Executor of the last will and testament of the said deceased.

d 72 tf

DELTA.

Salt Lake City and Wagner's Beer 5 cents a glass, 20 cents per quart, all other plain and fancy drinks 10 cents. We keep the Old Hermitage, Rye, and Bourbon Whiskey, with a full line of bottled wines and liquors for family use, also by the pint, quart and gallon, and will not be undersold. The best beer room in the city for families and others.

W. K. CONRAD,
Corner opposite Theatre.

d 209 tf.

PASSPORTS.

BRETHREN going to Europe can obtain their Passports by applying to CHAS. W. STAYNER, Attorney and Counselor-at-Law, who, besides attending to Land matters, has all the necessary instructions from the Secretary of State, respecting Passports, and is provided with the needed blanks for application. Passports forwarded when received, to the president of the European Mission.

Office north of Salt Lake Herald, Salt Lake City.

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Toilet Soaps,
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BARFOOT'S

Balsam of Indian Root,

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PLUMBER, TINNER,

Steam and Gas Fitter.

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Manufactured under S. J. Gold's patents. Also Gold's

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Persons wishing to warm up Churches, Public Buildings, Stores or Private residences by either steam or hot air will find it to their interests to correspond with me on the subject.

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TO LEARN HOW TO DO IT READ AND HEED WHAT FOLLOWS.

SAVE YOUR HAIR.—The laws of Health and Longevity demand it, the customs of social life require it. The matter is of great importance in every way.

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KATHAIRON,

Discovered thirty-five years ago by Prof. Lyon, of Yale, is the most perfect preparation in the world for preserving and beautifying the hair.

Besides being the best hair dressing ever produced, Lyon's Kathairon will positively prevent grayness, and will restore new hair to bald heads, if the roots and follicles are not destroyed.

It actually performs these seeming miracles, of which the following is

A FAIR SPECIMEN

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In every important respect the Kathairon is absolutely incomparable. It is unequaled.

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BEAR IN MIND.—The Kathairon is no sticky paste of sulphur and sugar-of-lead, to paint and daub the hair and paralyze the brain. It is a pure and limpid vegetable lotion, intended to restore the hair by natural growth and reinvigoration. It is splendidly perfumed, and the most delightful toilet dressing known. No lady's or gentleman's toilet outfit is complete without Lyon's Kathairon.

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N.B.—Building and Plastering Lime of Best Quality always on hand.

dtf F. A. PASCOE.

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Utah Red and White Pine of all kinds, Eastern Finishing Lumber, California Red Wood.

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MOULDINGS IN GREAT VARIETY

Frames of all kinds Made to Order Very Cheap.

WINDOW GLASS.

Using large quantities ourselves, and dealing directly with the Manufactories in Car Load lots, we intend keeping a Large Stock on hand, of Above Goods for the Public to select from at Very Low Rates.

Wood Turning of all Kinds.

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FOR TEN DOLLARS CASH

We will insert a seven-line advertisement one week in a list of 269 weekly newspapers, or four lines in a different list of 337 papers, or ten lines two weeks in a choice of either of four separate and distinct lists containing from 70 to 100 papers each, or four lines one week in all four of the small lists, or one line one week in all six lists combined, being more than 1,000 papers. We also have lists of papers by States throughout the United States and Canada. Send for our 100 page pamphlet. Address GEO. P. ROWELL & CO., 10 Spruce St., N. Y.

WARM UP!

WM. SALMON

Has opened a new depot for the sale and delivery of the celebrated

WEBER COAL.

At the City Meat Market, West Temple St., where he will be pleased to see old and new friends and customers. Retail price will be: Ton delivered, $8.75. A ton at his new depot, $8.25. (Part in good Stovewood.)

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Will be kept by him in full supply, and sold at lowest cash prices. Orders left at Squire's Barber Shop, the HERALD Office or at the Depot, West Temple Street, a block west of Kimball & Lawrence's store, will receive prompt attention. dtf

Trial of Gen. R. T. Burton.

Proceedings yesterday afternoon:

JOHN C. THOMPSON

Took the stand—Live at Riverdale, Weber County. Have lived in that neighborhood since 1859. Early in 1862, lived where I do now. Know where Kingston Fort is. My place of residence is about three miles north of it towards Ogden. Knew some of the Morrisites. Knew their reputation in the community around them. I was not at the Morrisite camp during the war. But was there at other times. Was there early in 1862. Was a deputy sheriff in 1860 and 1861, and in the spring of 1862 visited the Morrisite camp with Sheriff West, officially, as early in 1862 as January. I don't recollect what kind of papers Mr. West had, but they were to attach property belonging to some one in the camp. We were met on the outside of the fort, by Lord, Brown, Peters and others. They told us we shouldn't go in. We finally went in, and we were met by a number of men with guns and willow poles, and they beat our horses over the head and backs till we could not manage them, and we had to succumb. They knew what we went for. We told them, and I think West saw the man we went for near a coral with horses in it. They told us we could not take any of the property belonging to them. They threatened us and told us that unless we left they would certainly hurt us. I think their guns were cocked all the time. Only West and myself went on this errand. We did not make the seizure. Never afterwards went for a like purpose. Do not personally know any one else going on a similar errand. Think I know the reputation of the Morrisites for order and peace, and it was bad. Some of them were then and still are very good citizens. In the settlement in which I lived the people were afraid of them. One reason was that Morris was getting revelations all the time, in which he said they would obtain all the property, and destroy those not of their faith, and we understood they would commence on us. We stood guard for a number of nights fearing an attack. The excitement did not continue long. A number would have left if they had not been hemmed in by the high waters of the Weber. My wife was very much frightened, and we went to visit some relations. I would not like to say that I was frightened, but I should not have gone had it not been for the trouble. And others would have gone to Ogden if they could have got across the river. Don't know that all were sufficiently firm believers to do whatever Morris might desire of them. Perhaps some would not if it came to the pinch.

No cross-examination.

ROBERT W. BURTON

Was then sworn: Live in Kaysville. Am not related to the defendant, that I know of. Lived in Kaysville in 1862. Know where the Morrisite camp was. Was constable in 1862. Know some of the Morrisites by sight. I arrested Jones on the other side of the sand ridge, three or four miles from the Morrisite camp. Was going to bring him to Farmington, but I was overtaken by a Morrisite party of three men, while I had him in custody, and they took him away from me by force. They knew I had arrested him. I told them I wished to take him to answer to the papers they told me I could not, and that they would take him and me to. Told them I was constable, but they took him. They were armed. I had served a process in the Morrisite camp before this.

Cross-examined—I arrested Jones for assault and battery. Can't tell on whom nor where. The warrant was issued by Judge Haight, of Farmington, Davis Co., judge of the probate court. Can't say who made the complaint. Don't know where the assault was committed. Don't know on whom the assault was committed. Believe the warrant was given me by Judge Haight. It was not a summons. I got Jones. Found him on the other side of the sand ridge, rather northwest of the Morrisite camp. I believe he was on the road or close by. A man was with him. They were on foot. Think they were going south. He made no objections to going with me. Don't remember that he said anything to me about the matter. Don't know where the other man went, unless it was to the Morrisite camp. The Morrisite men overtook me about an hour or an hour and a half later. They didn't say why they took him from me. They made no excuse. It is very likely that I knew at the time where the assault was committed. Believe I was in the Morrisite camp three times. Served papers in it. Can't say what papers I served in the camp. Arrested and brought a person away from the camp three or more months previous. It was in 1862, in the early part of the year. The man I arrested in the camp was named Astol. He was a Morrisite. I brought him to Kaysville. Arrested him in the daytime without any trouble. Don't recollect for what he was arrested. It was very early in the spring.

THOMAS ABBOTT

Was then sworn—Live in Farmington. Have lived there eighteen or nineteen years. In 1862 I was called on to accompany Mr. Stoddard to the Morrisite camp. Mr. Stoddard is dead. The Morrisite camp is about ten or twelve miles from where I live. He wanted me to go with him to serve a writ or *habeas corpus*. Wm. Jones was one of the names in the writ and there were two others, one a Mr. Jensen. Cannot think of the other's name. Wells Smith went with us. We went in the camp on the south side. When we got within a mile of the town we saw four men. We supposed them to be guards, who came down the hill. Stoddard stayed outside while I went in the camp for one John Smith, and I overtook these four men. One of them was the father of the man I was after. A number of men met me at the gate, who reluctantly let me pass. Smith was pointed out to me, and when I told him what I wanted he came with me to Stoddard, who told Smith he wanted three prisoners in the camp. Stoddard told Smith the names, and Smith told him not to go in as the Morrisites would kill him. Stoddard asked Smith to go to Banks and ask his protection while Stoddard performed his duty. Smith went, and returning, told Stoddard that Banks had said that if he went in he would do so at his own risk. Stoddard asked me what he should do, I told him to do as he pleased; then he said I will go, and he went, Smith begging him not to go, all the way. When we came there we saw Banks on a chair, with Klemgard and two army guards around him. Stoddard proceeded to read the writ to Banks. It called for the men. He asked Banks what he had to say to it. There was a good deal of confusion among the crowd there and many insulting remarks. Banks said: "Tell Judge Kinney we want no communication with robbers and horse thieves, and recollect if you (Stoddard) ever come here again on this business you will never leave alive." Stoddard asked to leave a copy of the writ. Banks said he did not want one. Stoddard said he would leave one any way, and having one in his hand threw it over his horse's head, the wind letting it gently to the ground. One man went to pick it up and Klemguard told him not to. Another man went in a house and came out with a shovel of hot coals which he put on the writ as it lay on the ground. It smoked a little and burned up. Remember Burton going there with a posse. It was two or three weeks later than this. I joined Burton at Farmington. Do not know how large a force he had, perhaps 100 or 150 men. He had additions from Farmington and Kaysward. He had finally about 200 men, but I would not be positive. The force reached the camp on Friday morning, about 10 or 11 o'clock. Camped about four and a half miles this side of the camp the night before. Burton sent a proclamation to the inmates by Stoddard, Howard Egan, Wells Smith and myself. He sent us with it about 6 or 7 in the morning. He told us to deliver the message to John Banks or Morris if we could. I did not read the proclamation, it was [read to me. (A copy of the document was shown the witness, and he said it was the tenor of the one he heard.) We gave it to a boy about a mile outside of Morristown. Do not know the boy's name. Stoddard spoke to the boy and asked him to take the letter to the fort. The boy said he would, and Stoddard gave him a quarter.

Judge Sutherland—Why did one of the party draw a pistol and threaten to shoot the boy?

Witness—None of the party pulled a pistol on him; he did not seem reluctant to go, and was quite willing to go and take the quarter. The boy started off with the proclamation, and we went with him to the lower bench. We saw him go in on the south side, turned to the right to a house near the southeast corner of the fort. We got there about an hour after we left Burton's camp. Do not think it was a minute past 8 o'clock. About an hour or two hours later, Burton's party arrived. Most of the troops were in wagons, some on horseback. Stoddard, Egan and myself were on horseback. Burton's men planted the cannon from 600 to 800 yards from the camp. There was no response to the proclamation from the Morrisites. I didn't know what they were doing only that they gathered under the bowery. The cannon was fired at 10 or 11 o'clock. I was not a rod from the cannon. Burton ordered the gunner to shoot over the camp, and said, Be sure not to hit anyone. He only wanted them to know he was there. Think the gunner was named Jack, but am not sure. The cannon was not fired for some time after the order. I was right there all the time. The order was not modified. He said he only wanted them to know he meant business. The first shot struck a cottonwood tree on the other side of the fort, and from thence glanced into a bank on the opposite side of the Weber river. Saw where the ball struck very plainly. I think he waited 10 or 20 or 30 minutes before he fired again. In the meantime I saw Wells Smith carry a white flag towards the camp. Saw Smith when he returned. He had no communication with anyone in the camp that I could see. He said there until the second shot was fired. I stood near the cannon at the second shot, and the same order was given, Burton telling them to miss the bowery in which the people were gathered. The ball struck in a plowed field and glanced off and hit a house. I could not see where it went to after. He told them to shoot over the bowery before the second shot. I could not see that the cannon ball had disturbed the people in the bowery. We could see the school-house, and he said not to fire at it, because women and children might be in it. Don't remember any further general directions. Mr. Smith and myself had charge of the brass gun in the absence of Mr. Ross. We were told not to fire at the small cabin apparently fortified, from which we were fired upon. We lost a man early in the morning of the first day. We fired small arms also, but not till after the fire commenced from the camp. Am positive of this, Smith was killed on the first day on the west side of the fort. There was also another fortified house at which we fired about a dozen shots, but it had no effect. Only one man was killed the first day. The second day it rained all day and nothing was done, except that we lost a horse killed by them. In moving from the bluff down the west side we were fired upon. As soon as we left the big cannon they commenced firing upon us. A hundred or more shots were fired at us while we were going around. Stoddard left his horse for fear it would get killed. He hid it in a safe place.

Cross-examination—I came here in 1847, with the first emigrants. Lived in Bountiful before going to Farmington. Never held any official position. Stoddard was deputy marshal. Don't know why I was specially called upon to go with Stoddard unless it was because he had been threatened. Had visited the camp, and heard threats made in a public meeting. They held up a programme showing the past, present and future, and preached upon it. They declared they were to kill off everybody on the earth that opposed them. I went there out of curiosity. Stoddard staid at the end of the lane while I asked Smith to come out. Went in because Stoddard asked me to. I felt there might be some trouble and had my hand on my pistol. I considered that I had chances to take and took precautions. I crowded my way through about fifty men at the gate. I saw John Smith and we went out to Stoddard. Smith advised Stoddard not to go in. When stoddard spoke to me about going, I told him to do as he pleased. Stoddard said he would go in. Smith said he knew the people better than Stoddard, and advised him not to go in. We went in and moved up to where Banks was. Klemguard stood there with a drawn sword, with two men with guns. Klemguard looked as though he meant business. The copy of the writ was gently thrown to the ground. A person went to to pick it up, Klemguard told him not to, and another person brought out a shovel full of hot coals, placed them on the writ and burned it up. I could not say that Burton's whole posse exceeded 250. This is a rough estimate. He had one large gun, a long gun and a brass cannon. Don't know how many men were in the artillery. The first gun I saw was at Kaysward. Saw all the guns on the ground where the forces were camped. The long gun was on the south of the camp, the small one on the west. The long gun was the one out of which the first shot was fired. Saw two guns, the first day. The command reached the camp between 10 and 11 o'clock. When I left Burton's camp on Friday morning, the animals were still out grazing. Howard Egan, Wells, Smith and Stoddard gave the boy a quarter. The boy was perfectly willing to go. Have not read that boy's testimony. Have heard of it. I was only twelve feet from Stoddard when he gave the boy the quarter. Don't know what he done immediately upon arriving at the camp. Can't think of the man's name who had charge of the artillery. I was not under any one particularly on the first day. Did not hear Burton give any orders excepting the one to fire over the camp. Don't know what kind of sights were on the gun. The first ball went through the tree top and struck a bank on the opposite side of the river. He told them in the second shot to be sure and shoot over, but it struck a field and bounced off, and I think it struck a house in the southeast corner of the fort. Struck the field half way between Burton and the fort. It fell short of going over the fort. Don't know that any shot ever went into the bowery. Could see the bowery, but did not see a ball strike it. Saw the people leave the bowery leisurely. Am sure the Morrisites fired fifty or 100 shots before we fired any small guns. They fired after we shot the second shot. We were directed by Burton not to fire on the school-house, because he said they were likely to be women and children in it, that being the best house in the fort. Did not see any one go in there. Saw them scattering from the bowery. We went there to hurt people unless they surrendered. We were then instructed to do what we went there to do. We went there to back Mr. Burton up as a deputy marshal. With the exception of the orders not to shoot at the school-house, we had no direct directions. After these two shots I shot in earnest. I can't say for anyone else. Had nothing against the Morrisites. Worked with the brass cannon. The ball appeared to be rammed down very loosely on the second shot. It might have been that the gun was resighted to make the second shot fall short of the first; but don't know that it was resighted. Did not try to see the ball when it was shot.

Re-direct examination — When we approached Banks, when I went in with Stoddard with the writ, I saw other armed men than those near Banks and Klemguard. Think they were in a chinked cabin on the south-east side of the fort. I saw five or six armed men. I also saw Morris. He was seated at a table with his back to us. He was writing at a table. I knew Morris. Knew him before then.

Re-cross-examination — The houses were small, one-story houses, covered with earth I believe. We could see the people under the bowery. The first time we shot I think they had gathered, but I am not sure. Think I could have seen the ball strike the bowery if it had done so.

Adjourned till this morning at 9.30 o'clock.

DISSOLUTION OF PARTNERSHIP!

THE co-partnership heretofore existing between Robert and Charles Morris, under the firm name of Morris Brothers, is this day by mutual consent dissolved. Robert Morris will collect all debts and settle all accounts pertaining to said firm.

Feb. 25th, 1879. d 79 3t

TIPPET LOST.

THE Person who found a Ladies' Fur Tippet in the street to-day, between the residence of Hon. D. H. Wells and the Deseret Bank Corner, will confer a favor by leaving it at this office.

MULBERRY TREES!

FOR sale at the Forest Farm, from 6c. each and upwards.

Please forward all orders to

MRS. ZINA D. YOUNG,

Salt Lake City.

or orders by mail or otherwise are promptly attended to. 1w d s w

WANTED.

AN experienced and competent school Teacher, a man with a family preferred; also a female teacher to teach a school of thirty pupils. Apply to

dlw J. R. BARNES, Kaysville.

LOST.

ON Friday eve., between the mouth of Parley's Canyon and the City, one Buffalo Robe Quilt and a heavy Indian Blanket, red, white and black. The finder will confer a great favor by leaving them at this Office, or at the residence of

B. H. YOUNG,

A little east of the City Hall.

d 73 3t

WHEAT!

NINE HUNDRED bushels of good wheat wanted, for which cash will be paid. Apply to

W. A. ROSSITER,
President's Office, or
JOHN Q. CANNON,
at Deseret News Office

dawlw

REMOVAL!

Wm. J. Silver,

ENGINEER AND MACHINIST,

North Temple St., south side, bet. West Temple and First West Sts., Salt Lake City.

I HAVE removed my business to new and commodious premises, at the above central location, where I will be pleased to meet my old customers, and as many others as may desire to favor me with their patronage.

I WILL guarantee all work turned out from my shop to be fully up with the times, both in design and execution, and will furnish it as low a price as the same quality of work can be made by any other establishment in this city.

I AM fully prepared to furnish designs for Mining, Milling and other Machinery, and to execute the same throughout, and would invite any parties who contemplate building new or extending existing works to give me a call.

WM. J. SILVER.

P. O. Box 516. dlw 2w

U. S. DEPOSITORY.

DESERET NATIONAL BANK

SALT LAKE CITY.

Paid up Capital, - - - - $200,000
Surplus, - - - - - - - - $50,000

WM. H. HOOPER, President,
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Receives Deposits Payable on Demand.

Buys and sells exchange on New York, San Francisco, Chicago, St. Louis, Omaha, London, and principal continental cities.

Receives subscriptions to the 4 per cent. funded loan of the U. S.

Makes Collections, Remitting Proceeds Promptly.

SHADE TREES FOR SALE CHEAP.

Walnut, 1½ in. 25 cents, 2 in. 50 cents. Locust, 2 in., 25 cents, 3 in. 50 cents, 4 in., $1.00.

Special rates can be made in buying large quantities.

Apply to N. A. Empey, Z. C. M. I., or JOHN LEFLER, Mill Farm.

d 79 dsw

TEAMS WANTED

— TO —

WORK OUT CITY TAXES!

ALL persons owing City Taxes, and wishing to pay the same in team work can have an opportunity of doing so by hauling gravel on the streets now undergoing repair. Apply to

WM. HYDE,
Street Supervisor, City Hall.

ALL KINDS OF PAY

WANTED

FOR 3,000 No. 1 Cedar Posts.
Charcoal, 700 bushels, Cheap.
Set of Buggy Harness.
Buggy, $100.00.
Sprinkling Cart Box, 700 gallon capacity, suitable for Tank, etc.
Second hand Wagon, (6,000 lb.)
Light Spring Wagon, $75.00.
Three hundred pounds of hops.
Pick Handles $5.00 per dozen.
Borden's Condensed Milk $1.50 per dozen.
100 dozen Bottles Tomato Ketchup $2.50 per dozen.
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