

[P r Deseret Telegraph.]

## TERRITORIAL DISPATCHES.

Special to the DESERET NEWS.

## Second District Court.

BEAVER, 5.—The Second Judicial District Court in Utah opened this morning at 11 a.m., Jacob S. Boreman presiding.

Wm. W. Bishop, from Pioche, Nevada, engaged on the defense of John D. Lee, with Messrs. E. D. Hoge and Wells Spicer, was admitted to practice before this court, and it was moved that Lee be called to answer to indictment. The Judge ordered Lee to be brought up to-morrow morning to answer to the charge of murder in the Mountain Meadows massacre.

Eleven grand jurors were accepted, passing the usual examination as to bias or prejudice to finding indictments against polygamists.

General Maxwell and deputy marshal Pratt, of the Third District Court, Salt Lake, arrived here per stage last evening, bringing Col. W. H. Dame, charged with murder in the Mountain Meadows and who was taken from this city last November to the penitentiary.

Messrs. Sutherland and Bates, attorneys for Dame, will be here to-morrow evening, having to answer as to alleged contempt of court, Bates having proffered to give security for the appearance of parties under indictment for murder and complicity in the Mountain Meadows, and not yet arrested.

Counsel for Lee are determined, if possible, to bring the case to trial this term, as it is fully believed that the Court do not intend to bring up this case the present session, through lack of evidence. They interviewed Lee a few days since. He is in good health and anxious for trial and declares his innocence. He feels confident of acquittal on the present indictment. His wife Rachel visits him daily and exhibits her attachment to Lee as fresh as when he was arrested last Fall at Panguitch.

Philip Klinger Smith, who turned states evidence, making a lengthy confession per affidavit some two years ago at Pioche, is being inquired for, but is not to be found. He is said to have been Bishop at the time in Cedar City, Iron County, and one of the main leaders of the massacre.

BEAVER, April 6, 1875.

This morning, at 10 a.m., John D. Lee was brought in court to be arraigned and pleaded. About eleven o'clock Judge Boreman notified Lee that four or five attorneys had claimed personally and by letter as having been employed in defense of his case, and remarked that Mr. Bates, of the firm of Sutherland & Bates, of Salt Lake, had not yet arrived, but would be here this evening, and if you choose you can wait till he comes and then plead. If not, you can answer to-day.

Lee rose and in a very respectful manner and clear voice said, "I leave the matter with Judge Spicer; he is my chief attorney," the court answering, "All right, you can wait till they all come, or not."

Spicer asked that the indictment be read. The Court concurred. Lee again rose to his feet and Wilkins, Clerk of the Court, proceeded with reading, Lee taking in every syllable, and looking attentively at the clerk with a thoughtful coolness, charging him with shooting and killing one James Wilson, at Mountain Meadows, Iron County, on the sixteenth day of Sept., 1857. When the Clerk had finished and remarked to Lee, "To this charge do you plead guilty or not guilty?" Spicer, sitting by the side of Lee, took hold of his arm, as if to restrain him from speaking, and said, "Considering that the indictment has been found some seven months ago, and that Lee has been in prison for five months, for the purpose of bringing this matter to a speedy trial, believing in the entire innocence of the defendant, he comes here in open court and waives all objections to the indictment, all errors, defenses, and entries, and enters plea of 'not guilty,' remarking to Lee 'Do you plead not guilty?' Lee answering 'Yes, Sir, not guilty.'"

Spicer observed to the Court that the case was not in its proper place on the list. The Court referred to the prosecution, who explained and said, "I will state here that the prosecution will be unable to take that case up this term of court, and I give this information now that the counsel can govern themselves accordingly as to witnesses.

The Court consented to hear counsel next Monday as to the case being tried this term. Mr. Bishop, answering, said, "we will be ready and press the case for trial."

Lee was taken back to his room at Fort Cameron. He is said to have been unwell the last two weeks.

This afternoon in the case of Wythe Walker vs. Searles, action to receive some \$4,780 for labor, etc., done by plaintiff on mining claims in this county, Bishop, Whedon and Christian, counsel for plaintiff, and Denny, Swift, and Hawley for defendant, motion that the summons be set aside was argued by Denny and ably answered by Bishop.

BEAVER, 7.—Court opened at 10 a.m. Four more names of jurors were called and accepted, making fifteen, the "Mormons" Benj. D. Gray, Ephraim Wilson, Myron S. Roundy, Amos Rogers, Albert B. Griffin, Stephen Thornton, H. S. Stephens, and P. G. Davis; the Gentiles and apostates, Ferdinand Rosencrantz, Robert Kershaw, Geo. Harroun, Charles Van Bern, Saml. Moffit, Thomas Will, John Hunter, and Robert Kershaw. An apostate was selected by the Judge as foreman, after which his honor delivered the most severe charge ever heard in a court in this Territory, making pointed reference to the teachings of the authorities of the Mormon church, the crimes of polygamy, adultery, lascivious cohabitation, &c., reflecting on polygamous families as degenerating their offspring and producing ignorance, poverty, and starvation, remarking that the day is rapidly approaching when this hideous monster will be put out of sight, as a thing too loathsome for public view, the power of the leaders will be broken and, by a fair enforcement of the laws, many will find themselves in felons' cells. Vice and degradation everywhere mark the footsteps of this loathsome crime. It is a crime that is practised all around you, and the elders are nearly all guilty of this crime.

There was much indignation in the audience, and general disapproval expressed at the uncalled for reflections, evidencing too much of the missionary spirit of McKean, and tinged with religious animosity. Great surprise was expressed by the visiting members of the bar from other States.

D. P. Whedon, prosecuting attorney, moved that W. H. Dame be brought into court to answer to the indictment. Deputy Marshal Pratt was sent to the jail for Dame. Not finding him there, he returned to court, and the general asked the judge to issue an order to have Sheriff Hunt show cause why he had released the prisoner. Hunt answered that he had not had the prisoner in charge, and by evidence it was proved in court that no one legally authorized was in charge of the Bishop, who at the time Pratt went for him was eating breakfast at the prisoner's boarding house opposite the jail. The order against Hunt was discharged.

The prosecution asked that Dame be arraigned.

Mr. John M. McFarland, attorney for Dame, asked that he be not called to plead until next Monday, as the defense wished to file a plea in abatement previous to arraignment.

It is reported that the Marshal will take Lee and Dame to Salt Lake for safe keeping, until the prosecution is ready for trial.

BEAVER, April 8.—In the case of Dame he will appear on Saturday to enter a plea in abatement to the indictment, then plead not guilty, and demand a trial.

The judiciary here have no funds or money to pay jurors, officers, or witnesses, and Lee's board bill during the last five months is not paid yet, nor Dame's transportation from Beaver to Salt Lake.

Neither Lee's nor Dame's case will be heard this term, the civil cases being disposed of this week. The case of Razin, alias Levi, a Jew, who married Miss Wardrobe of Salt Lake, over twenty years ago, now the wife of Wm. Fotheringham, mayor of this city, is before the grand jury. There is a probability that an indictment of adultery will be found against Wm. Fotheringham, who married Miss Wardrobe 19 years ago, Lee having deserted her with a babe a few months old, and afterwards he was cut off the "Mormon" church for adultery committed in the eastern States. Fotheringham's wife

and oldest son have been under heavy bonds several months, but the complaining Jew who alleged the charge before Commissioner Wilkins, clerk of this court, is *non est*.

Fotheringham polygamy case, indictment found last September, will be tried next week.

The Navajos Still Dissatisfied—More Raids Probable.

ST. GEORGE, April 8.

J. D. Boyd has passed here on his way to Pioche from Ft. Defiance, Arizona. He stated that the delegation had returned from Washington. The Navajos were not satisfied with some of the conditions prescribed. They number about 9,000 and still insist on their demands for the McCarty affair on the Sevier; that a commission for further inquiry into that matter was coming; and it is rumored that frontier settlements are somewhat exposed to raiding, with greater necessity for guarding than heretofore.

More Boremanism.

BEAVER, April 9.

Boreman charges that polygamy committed prior to 1862 is punishable now, that bigamy is a continuous crime, that the statute of limitation does not apply to this, in contradiction of decisions of the Supreme Court of the U. S.

Walker vs. Searles—Buckner vs. Katie—Raisin Defaults and Forfeits his Bonds—How Boreman Would Practise Polygamy—The Mountain Meadows Tragedy.

BEAVER, Utah, 9.

In the Second Judicial District Court to-day, case of Wythe Walker vs. W. S. Searles, the motion to set aside the summons and dismiss the cause was overruled, the Court holding that the defendant's attorney had made a general appearance in the case.

In the Buckner vs. Katie case, tried by the Court on the 7th inst., judgment was given for defendant for costs. Plaintiff gave notice of appeal.

At the motion of the Court, at 2 p. m. Whedon, deputy U. S. attorney, moved the Court to forfeit the bonds of Adolph Razin, a defaulting witness. After his name was called three times and he failed to appear, his bonds of \$1,000 were declared forfeited in the case.

Razin left Utah for the good of the community, some twenty years since, leaving a wife and young son, destitute and unprotected by reason of his flight. For years past Razin was unheard of, and his young wife procured a divorce through a Utah court, on account of the continued absence of her husband. After obtaining a divorce, she again married, or is reported to have done so. Nineteen years after deserting his family, the said Razin returned to Utah, and finding his wife in a comfortable home, surrounded by all that was needed to make her contented, he endeavored to satisfy his dishonest nature by having the husband of his neglected wife arrested for adultery. At the examination Mr. Fotheringham was bound over to answer to the grand jury for having cohabitation with the woman once the wife of Razin. The U. S. Attorney caused Razin to give bonds for his appearance as witness. Razin failed to appear, and his bonds were forfeited. He does not seem to consider it a serious matter to lose his wife and sell his friends. As things are now, the U. S. authorities have no Razin for further prosecuting Fotheringham on this charge.

The following is Judge Boreman's attack on "Mormon leaders," "depravity of polygamic offspring," etc., in his charge to the grand jury last Wednesday. In reference to polygamy, Mountain Meadows massacre, etc., he said—

"Polygamy or bigamy will require your attention. This is a crime that is very prevalent in this district and throughout the Territory. Its polluting effects are seen on every side and in every community. The children of said marriages are generally growing up as wild animals, without training, instruction, or parental care. It is of course utterly impossible for one father, except in isolated cases, to look after the training of children separated into various families, and there is generally little or no attempt to look after them. The consequences

may be seen all over the Territory. Polygamy, in every phase of its character, is degrading and beastly. It drags man down to the level of the beast. Woman is placed in the same social position. She is looked upon as a drudge and slave, fit only to perform the hardest work to gratify the slavish passions of those to whom she believes herself married. She never hears the endearing name of wife, but we always hear her cheerless title of 'my woman.' She knows nothing of love, and the charms of home are strangers to her. No section in the whole United States is filled with people so negligent as families in Utah. Vice is very prevalent, and general degradation everywhere marks the footsteps of this loathsome crime. It is a crime that each of you know is practised all around you. Every community has numerous persons living in polygamy, and the leaders are nearly all guilty of this crime, persistently urging their deluded followers in committing the same degrading offense. Yet these very same men will tell the world that they are law abiding citizens. Such falsehoods are but too common, and men do not even hesitate sometimes to perjure themselves in regard to this offense. There are some men in polygamy that I should not like to see punished. I refer to a few in which an honest and perfect separation has taken place between the parties, and I believe all good people would rather that none should be punished if they will but cut loose from the system. Some talk about polygamy as a part of their religion. So far as the more intelligent are concerned, this is the silliest nonsense. They do not think it to be so. They used to claim that blood atonement was part of their religion, but the elevating influence of a better civilization showed this to be sanctioning cold-blooded murder. It is now almost if not entirely dead. So will this twin crime, polygamy, soon look to the eyes of the now deluded masses. The day is fast approaching when this hideous monster will be put out of sight as a thing too loathsome for public view.

"Some matters respecting the Mountain Meadows massacre will be called to your attention. If so, or if either of you know anything of this bloody and inhuman butchery, divulge it all. It is your sworn duty to do so. It is not expected that all who were engaged in that butchery will be punished. Some very young men went into it, no doubt with fear that their own lives would be taken. This is said to have been the case in numerous instances. Young men not out of their teens were forced into participation in this horrible deed, a deed the very thought of which makes human blood to curdle on account of its atrocity. The leaders and active men in this crime should be punished to the utmost extent of the law. Those who were then mere boys and forced into it should now come forth and, as law-abiding men, tell you the whole case. You should ask them to do so. By so doing they would clear their own consciences, help to bring to justice the leaders, and save the whole people from the charge of participation in, or connivance in, this terrible crime."

## Correspondence.

Music of Whistling Bullets.

FARMINGTON,  
March 27th, 1875.

Editor Deseret News:

I often read accounts in the papers of stray bullets passing in close proximity to somebody's person, and fired by careless individuals, and often a human being is sent out of the world by the reckless handling and shooting of firearms.

I remember reading the opinion of a war veteran, stating that there was something musical in the sound of bullets whistling over one's head. I had occasion last Saturday to hear some of that kind of music, and I do not like the noise very much. I was on a hay rack, returning from Salt Lake City. When a little south of the Hot Springs, a boy fired a shot gun from behind a small hill, about fifty yards distance, at a bird on the fence, on the west side of the railroad track. I was on a line with the bird and gun and the shot passed only a few feet directly over my head.

I have several reasons for sending you an account of the occurrence. One is, if parents permit their boys to use firearms, they should teach them how to properly use them, also to instruct them not to kill the birds, as they do but little harm and a great deal of good by preserving the crops from the ravages of destructive insects, etc.

Respectfully, C. T.

## BY TELEGRAPH.

AMERICAN.

WILKESEARRE, Pa., 7.—The sheriff to day became satisfied that it was useless to try any longer to preserve order in the coal regions by a posse commitatus, and he called for troops. General Osborne at once ordered the 9th regiment of infantry and the Wyoming artillery in this city, with a battery of four guns, to proceed to Hazelton. The General and his staff left here by the 2 p. m. train for the scene of disorder.

NEW YORK, 7.—A new suit under the late act of the legislature has been begun against Wm. M. Tweed, to recover back \$6,198,957, paid out under the board of audit of 1870, on which Tweed was convicted, and for which he is now under sentence. An order of arrest has been granted and bail fixed at \$3,000,000.

The report of the defalcation of several hundred thousand dollars at the Yokohama agency of the Pacific Mail Company is denied at this office here, where it is said the story probably grew out of a difference of \$80,000 between the accounts at the New York and Yokohama offices. The agent at the latter place is now coming here from San Francisco.

Specie shipments to-day, \$22,000 in silver bars.

The *Tribune* says a bitter war has been inaugurated between the Panama Ry. and Union Pacific and Pacific Mail interests.

BOSTON, 7.—The wool market remains unchanged. Fair inquiry for all kinds of wools of the better assortment of suitable grades, such as medium and No. 1 fleeces and combed and delaine fleeces. The business would be much larger, as there is a demand for them at full price. There is a good supply of fine wools, including Ohio and Penna. fleeces and choice Australia, but buyers still operate cautiously, though prices are so low that any further concession can scarcely be looked for. Desirable lots of superfine are in request and command full prices. Sales of Ohio and Penna. fleeces have been at 52 @ 56 as to quality, with XXX and medium.

HAZELTON, 7.—Two regiments of infantry and one of artillery are ordered and expected to-day. About fifty of the special police, who arrived last night, left this morning for Philadelphia, from intimidation.

The suicidal policy of the men in stopping the pumps may be understood when the fact is stated that if a compromise can be immediately effected it will take four to five months to pump the mines dry, till when the miners must necessarily remain idle.

A fire broke out accidentally in one of the mines at Stockton to-day, and the miners at a meeting especially called to consider the question, absolutely refused to assist in putting it out, although such action on their part is in direct opposition to their interest. A messenger from Stockton arrived for assistance to put out the fire, and a squad of special police have been detailed for that purpose. Lenderman, proprietor of the Stockton Co., telegraphed here, offering the steam fire-engine company \$10,000 if they will quench the fire. The pumps at Buck Mountain are all idle and a raid is looked for at that place to-night.

SCRANTON, Pa., 7.—The miners at Minook, O., struck to-day for ten per cent advance, and other strikes are expected.

SAN FRANCISCO, 7.—There was a disastrous fire and loss of life this afternoon, at the corner of Spear and Harrison streets, caused by the explosion of giant powder in a frame building adjacent to Hathaway's bonded warehouse.

NEW YORK, 8.—Yesterday Count Mareoschi ruined the mission entrusted to him by the Pope, of announcing, officially, to Archbishop McCloskey his elevation to the Cardinalate.