DESERET EVENING NEWS.

TRUTH AND LIBERTY.

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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. 18th, 1879.

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

d 73 tf

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d 209 tf.

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Trial of Gen. R. T. Burton.

Proceedings yesterday afternoon:

JOSEPH J. ROMNEY

Took the stand—Live in this city. Lived here in 1862. I was 24 years of age at that time. I was one of the posse that went with Gen. Burton to Morris fort. I served during the three days. We arrived at the fort on Friday morning. I have brothers. I think none of my brothers were there. On Sunday afternoon I was posted in a double house on the northeast of the fort. Colonel Ross sent word to me that he wanted twenty-five men to volunteer to take the house. I was captain of fifty men. I raised volunteers to go. I then learned that Mr. Lewis was to command them, but I went with them. We ran to the house, and as we entered, one man was shot by a ball coming from the northwest part of the fort. He was a Danishman and fell and blocked the door, and I had to jump over him, the bullets coming pretty fast. A number of the men ran around the other side for protection. There were seventeen or eighteen men came in the house, with the one killed, I only heard what was going on while I was in the house. I heard shooting in the direction of the school-house. I was in the house at the time of the shooting. As soon as we heard it we ran out to the north side of the school-house. There were a number of men. I saw a party of men and women who seemed to be throwing themselves on the body of Morris, which was somewhat east of the school-house. Heard no shooting after. There were forty-five or fifty of Burton's party in the fort at the time. Don't know whether all the men in the house came out when I did. I know Daniel Camomile by sight. I do not remember him being with the posse. There was no shooting after I arrived at the school-house. Cannot tell how many shots were fired, but it seemed like the emptying of two revolvers in very rapid succession, occupying not over five or six seconds. I saw Burton and one or two other men on horseback. I was more or less occupied with the company, and cannot say what Colonel Burton did. Colonel Ross wanted me to detail a number of unarmed men to move the persons from around Morris' body and I did so.

Cross-examination — Col. Ross was there. I think he commanded the battalion of infantry. Think there were from fifty to seventy-five men on the west of the fort. Cannot say whether twenty-five volunteered or not, but I thought so. They went under Lewis' command, the other twenty-five did go. Cannot state positively how many got there. We started from the north west corner of the fort: we had to come around to the lane up which we went. Did not see the rolling battery. We made as direct for the door of the house we desired to enter as possible. Did not notice a rolling battery, and knew nothing about it only what I have heard. Should say we took the house from thirty to forty minutes before the surrender. James Lewis led the charge, the best runner getting in the house first. After we got in the house some of the boys commenced firing at the house from which the ball came that killed the Danishman. Did not do any shooting. Our orders had been most positive to do no injury only to parties resisting. I understood a flag had been sent out. Did not know what was going on during the negotiations. We did not go out. Did not understand that the surrender had taken place until I went into the school-house. I did not see Burton and party going into the fort, but heard they had gone. Was not expecting shooting. Thought the whole thing was over. After the shooting was over we ran out. Think three or four men were ahead of me. Suppose the others of the 16 followed me. There were perhaps thirty men in there when I got there. Thought they were standing very carelessly in two lines. They were holding their guns carelessly, but not cocked. There might have been more than thirty, but not fifty in that line. Had to judge of the parties by their positions and arms, and can't say that I saw any others of our party but the two lines and the horsemen and one or two others, who were armed. Including the horsemen and all there might have been forty of our party present. Most of the Morrisites that I saw were around were Morris fell. I saw Bank's body within about fifteen feet from the southeast corner of the building. More east than south of the corner. Think his head and feet lay north and south. Morris was lying more east and west, and almost due east of Banks. Perhaps twenty feet from Banks. Did not see any other dead bodies there. Did not hear of the women being dead until the posse was released from duty, and I then went into the school-house. Our camp was under the bluff. Did not camp during the fight at the same place at which we camped on the preceding Thursday evening. Camomile might have been there and I not know it. Did not know him. Think only 150 men went from Salt Lake. Can't say how many were added from the north. Persons came in from the surrounding country.

To juror—I was behind the man that was shot. Think there were four or five in the house when I got in. We laid the man's body on the bed. The men who ran to the west of the house on account of the firing, dug under the wall and got in that way. We closed the door when we saw some of the men run around to get shelter. I believe the door was kept shut all the time. I do not know Mr. Jones. Did not notice a man without shoes on in the house. It only took us three or four minutes to go to the school-house after we left the house. It may have taken the men twenty minutes to dig under the wall. Think the man was dead before we left. Heard he was a Danishman. We worked from the inside of the house, and they from the outside. They were protected by the house. Had the door been open, the men from the house on the northwest part of the fort could have commanded the men digging the hole under the wall. The door was open when I got there, but don't know that it was open before we got there.

Re-cross-examination—The door of the house must have been shut or we could have seen Burton's party.

Re-direct examination—At the time we ran into the fort, men were coming in very rapidly from different quarters.

Re-cross examination—Our party got in first. Including the men outside of our party there were about thirty men in the fort. We were about the first parties to arrive there after the shooting. According to my best judgment there were forty men there all told when the shooting took place. When I got there I should think the thirty men covered the stacked arms. Did not know they were guarding the guns, but should suppose they were.

HENRY COULAM

Was then sworn—I live here. Lived here in 1863. I was one of the posse that went to the Morrisite camp in 1862. I was in McMaster's company. On Sunday afternoon I was engaged in the northwest corner of the fort. I was at the mud wall. I remained there till between 5 and 6 o'clock. I was one of the party that entered the house on the west side. There were seventeen went, I think. Jas. Lewis commanded. He is now dead. We went in between 5 and 6 o'clock. One of our party was killed while entering. The door was on the north side. There was a house northwest of this house from which heavy firing came. The shot came from that direction that killed one of our party. We were in the house about an hour, I believe, before the surrender. I saw the white flag brought down the lane. It passed the house I was in. I heard the man carrying it talk to Burton. Heard Burton say "If you want to surrender, stack your arms in a conspicuous place and form in line." After he went back they commenced coming out, and stacking their arms. Burton and two or three others rode past the school-house. Could see a part of the way to the school-house from where I was. Soon after Burton went past a small squad followed that he had sent for. Think there were 10 or 15 men, did not count them. Soon after the firing commenced in the direction of the school-house. All was soon over. It only took three or four seconds and we immediately ran out and to the north side of the school-house. We stood guard over the Morrisites who were trying to get to the arms. Some were on the north side but the greater bulk were on the south side. Did not see Burton or his party at that time. We were north of the school-house. Did not see any persons shot. Did not see Morris or Banks. Did not count the shots, but would suppose there were six or seven. They were fired as quick as they could be one after another. At the time the firing ceased, we rejest about coming out of the house. Did not hear any shooting in the fort after we got there. Besides Lewis, William Jones, a Morrisite, was in the house with us. He was the man we went after. Also Joseph Barker, George Smith, now dead, and J. Romney. There were 17 of us in the party. When we entered the square, there were not over 15 to 25 men in the square. Some of them were by the school-house, but most of them were by the stack of arms, which was all of two rods northeast of the school-house. The firing from the house from which the shot came that killed one of our men continued for several minutes, when a cannon ball struck it and they ran out to the east. One of them was shot. Believe that some of our men shot at him. After they ran out the flag came down. The door of the house we occupied was partly opened when the flag came down. I was looking out from from between the logs.

Cross-examination — Saw the white flag go down the lane. Could not see the end of the lane; did not open the door to look out; heard part of the conversation; we expected they were surrendering; as soon as the white flag came down, Burton called to the troops to stop firing; there was no firing when the white flag came out; Burton's party went in five or ten minutes after the white flag went back; I could not see them stack their arms; heard they did so; I saw Burton, Golding and Croxall go in, and another horseman whom I did not know, an oldish man; next I saw 12 or 15 armed men following Burton, perhaps a minute or so after Burton had passed; they were the only men I saw pass up the lane; I heard Burton call on the men; Golding came back and ordered more men after the first went; there were not over ten men; all had gone up before the firing; about five or ten minutes after they had passed, the shooting took place. Ross went up and ordered us to stay in the house; the door was open when the men passed; did not go out of the house till after the firing was over; after Golding passed back they had about time to get to the school-house before the firing commenced; when the firing commenced we ran up as fast as we could; others were running up; some of the arms were stacked, some lying on the ground; the men were between the arms and the Morrisites; the line was irregular; the men had their guns in their arms; think they were cocked; perhaps there were 15 men standing in the line; I did not see the horsemen; I stood on the north side of the school-house were they were guarding prisoners; there were not many standing there; the guards were standing eight or ten feet from them; we were ordered to stand guard by Mr. Lewis; we took charge of the prisoners; there were not over 20; there might have been one or two men guarding them when we got there; pretty nearly all the men were in front of the stacked arms; saw some persons scattered all along the east end; I was a little back and could not see what was going on in a south-easterly direction. Did not see Burton till after they had quieted down.

WM. A M'MASTER, SEN.

Live in this city. Lived here in 1862. I was with Burton's posse that went to the Morrisite camp in 1862. I was captain of fifty militia men. My company was not full on that occasion. My company left from the city. Expected that D. Camomile was in my company, but cannot swear to it, it seems to me he was with it. (Witness was here shown a map of the place.) There was a mud wall there. On Sunday I was in the west rather to the north of the fort with my men. I was north of the lane leading into the village. A portion of my men were with me. I was in that position all day. Did not see a white flag sent out, but I heard of it. Did not see Burton and party go into the fort, but heard of it. When Burton and his men rode past I was in this dry ditch. Cannot say that I heard the firing at the school-house. I went in the fort with my men after the surrender. I placed my men in the northeast corner of the school-house. Burton's men stood north of the school-house when I went in, running east and west. I placed my men to the right, and I was to the extreme right of my men. I took in about twenty or twenty-five of my men. I saw men going in before me; I was about the last that went in. The Morrisites, I believe, were drawn in a line near the south entrance of the fort. Heard that Banks and Morris were shot, but did not see them. No shooting took place after that. I did not see Burton. About half an hour later we were ordered to take the prisoners to camp. Did not hear shooting after that. Don't remember that Camomile came in with me, but my impression is that he stood at my left. I did not see Morris' body.

Cross-examination — Had nothing to do with the artillery. I remained in ambush during the entire fight. I remember a cannon being fired on the bench the first day before we left. Did not leave immediately after. Perhaps an hour or an hour and a half later. We were ordered not to fire. I don't swear that Camomile was in my company, but it seems that he was with me.

AMMOND GREEN

Was then sworn—Live in West Weber. In 1862 I lived there. I was one of Burton's posse. I was there during the three days. Was in the fort at the final surrender. I saw the white flag on Sunday. I was at the rolling breastwork, near the slough. First saw the flag coming from the east. I came down the lane near the end, I think. I didn't know who brought it, but the man stopped and talked with General Burton. The man went back, and General Burton moved in, telling those behind the breastwork to follow him. There were ten or twelve men there, but am not positive. Half were supposed to be armed, the other half unarmed. We went in just as we were. We followed Burton right in. I was one of the number. I knew Burton and Stoddard, but never knew the others, a young man and old one. We followed on the north side of the school-house, to the east end, about even with the southeast end of the school-house, about 15 feet east. Three or four stood between me and the houses, and two or three up near the arms. The horsemen rode around and halted southeast of the southeast corner of the school-house, about fifteen feet south of me. There was a large crowd of Morrisites, who stood south of Burton, in a kind of circle. Stoddard was on the south side of Burton, and the old man on the north side, a little behind, and the young man on the south side of him, a little behind the two. I think that is the position. I was in the rear of them. The horsemen stood with their heads toward the school-house. Burton faced the Morrisites. The first I heard was a man in the crowd asking Burton what he wanted. He pulled out a paper and read the names of persons for whom he had warrants—Morris, Banks and Klemguard and others were named in it, and he said he felt it his duty to take all persons who had been in arms against the law. A man asked the privilege for the prophet to speak to his people. Burton said yes, if he would be be brief and speak in the interest of peace. Morris stepped out, raised up his hands and said: "All who will follow me in life and death, come on!" He spoke in a loud voice. There was a general response, and he started away. The people said "Aye" and "To arms." I thought that if they had intended to surrender they had changed their minds, and that the rush was to get the arms. Morris started as though he would go towards the arms. Burton hallooed "Halt! Halt! Stop the prisoners!" The shooting commenced. I saw two shots fired. Burton fired one and Stoddard one. Heard other shooting. Burton shot at Morris, who was about ten feet away. Did not look to see if this shot took effect. I turned around as quick as I could. I saw four persons lying on the ground. Think there were eight shots fired. Don't think it took six seconds. Heard no other firing after that. I only saw two shots fired, but heard the others. When Mr. Burton fired, his horse jumped and reared around, and I then turned and saw the four persons lying on the ground. Should not think it was four seconds before I saw the persons had fallen. No one spoke to Burton before he fired. I was in a condition to know, being only ten or fifteen feet away. I saw where the bodies lay. Banks lay very near the door-step, a woman by him. Morris lay just east from the door and a woman southeast of him. Heard she was called Bowman. She was not very tall. Was light complexioned and fresh face. About 25 years old. The other woman was short and heavier. Dark and older, I should judge. After we reached the school-house, I think eight or ten other men came in just about the time of the shooting. I was armed. About fifteen of our party were in sight when the firing took place, there might have been a few more, perhaps less. They were scattered around, some at the arms, some where I stood. Wm. Brown was around on the south side. I saw Burton after the firing all the time. He was mounted all the time. When I heard Morris call, and saw the response, I thought I wanted to be out of there.

Cross-examination — Did not know how I could get out if I wanted. I thought if they got their guns they would have hindered me from going. I did not want to get out and did not think of getting out at the time. Have thought I could not have got out if they had got their arms. I did not have time to think much. They were after their arms. I thought they would get their arms if we did not stop them. I felt there was a good deal of danger. They had not all given up their arms. Some of the Morrisites were bringing their arms as we came in. All that I saw had put their arms in the pile. Do not think those we saw bringing their arms had time to put them in the stack. Could not say that there was more than one coming, with arms. Others were coming, but I do not know that they had arms. At the time of the rush I never thought but some of them had arms. Burton's party were facing the school-house when the firing took place. Stoddard was on Burton's left side. Golding on the other side, and the other man behind him. Golding was a little behind, his horse's head a little ahead of Burton's horse's tail. Croxall was behind Stoddard on the south side of Golding. The Morrisites were south of Burton's. Morris stepped out of the centre of the Morrisites south of the school-house. As he was making for the arms he was told to "halt" twice, but he did not stop, and he then started to the southwest of the schoolhouse. Don't know that his back was to Burton's party. Did not see Morris again till he had fallen. At the moment he started I don't think he was facing Burton. Burton was looking northwest. Morris started towards the arms, and when he was stopped he turned west, and then I turned to look at Burton and the shooting took place. I saw Burton shooting, but did not look to see what he was shooting at till Burton's horse wheeled around. Morris was stopped. Cannot tell how the men stopped him. Cannot say how many men were near the arms, about three or four, I believe, the rest were in other places. I did not see a woman killed. Did not see a woman near Morris, I saw men. I did not know them nor Morris. Morris was walking very fast, I think he was walking erect with his hands up. There was quite a crowd gathered. He had a clear space when he was going north. The woman that lay near Morris was not very tall, about medium height. The stouter woman was the one that laid next to Banks. Think she was also a little taller. Her hair was dark-brown, the other woman's hair was light or yellow. Did not see children in their arms. Did no go to see them till after the shooting was over. Never examined Morris' wound. Never saw it. Saw blood on the face of the woman next him. Did not notice how the women lay.

Court adjourned till this morning at 9.30 a.m.

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