DESERET EVENING NEWS.

TRUTH AND LIBERTY.

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THE EVENING NEWS

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WEEKLY.

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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. 15th, 1879.

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

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d 209 tf.

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Trial of Gen. R. T. Burton.

Proceedings yesterday afternoon:

GELERAL BURTON

Again took the stand. The color of the horse I rode was a bright bay. Think croxall's was a sorrel. Stoddard rode a black pacing-horse. Mr. Stoddard was about five feet and eleven or eleven and a half inches high. A spare built man, had a little heavier beard than mine. My beard was short, and shaved a little at the sides of my face. My upper lip was not shaved but cut short. Stoddard was a light-complexioned man, rather inclined to be lighter than myself. I think I hardly ever took the name of the Deity in vain in my life.

Cross-examination — I lost two men in the fight. One at the end of the lane, and one at the door of the house, shortly before the surrender. Only one slightly wounded. It was near where the first artillery was placed. The ball was, I think, a spent ball, that went through his hat and wounded his scalp. I was sometimes under fire myself. The cannon were not used all the time, the ammunition being imperfect, and we had not much ammunition. The powder was put up in flannel cartridges. They were perhaps three inches long. The long gun carried a six pound ball. My force was obained from the territorial militia. Upton's infantry tactics and Cook's cavalry tactics were used. We were then using about 50 men in a company. There were captains of ten men. We used Upton's tactics not for companies but for drills. The artillery came from the same source. The men were inexperienced. Don't know where the cannon came from. Think the United States furnished the brass howitzer.

To jurors — All my men were supposed to be armed except the teamsters. There were 250 all told; 150 from Salt Lake, and 100 from Davis County. The men behind the wall on the west could not reach these stacked arms with their fire, it being too far away, and there being obstructions. The arms might have been reached with long range guns by a portion of my posse, the distance from the arms to the wall being about thirty rods. Could hardly form an estimate of how many arms there were stacked when I came in the fort. Others were carrying their arms in. We subseq uently obtained from ten to fifteen stands from the school-house. I noticed a great many women and children in the fort, about the southeast of the school-house, when I went in. I still think the surrender was a sham. My opinion is that neither Morris nor Banks intended to surrender, but a part prevailed on them to make the surrender. Have no other reason for this than the words spoken, and the attempt to regain the arms. Think the leaders intended a sham. Arms were taken from the school-house after the surrender.

Re-direct—Regarding the belief that it was a sham, I have had more reason to think of the matter since than I had at that time, believe so now.

To Jurors—Recent developments have confirmed me in that opinion. These have been made partly in conversations with my witnesses.

ROBERT GOLDING

Then took the stand.—Live in this city. Lived here in 1862. From the 12th to the 16th of June, 1862, was not here. About that time I went with Burton and his posse, and remained at the Morrisite camp during the fight with the Morrisite people. On Sunday I was at the camp on the south side of the place till evening. When I went with Burton to the west side it was getting late. Messrs. Croxall and Stoddard went with us. We went on horseback. When we got there we found a party of the posse building a rolling battery just outside of the wall. They got it finished shortly after we got there, and started in with it. When they got in a little way I noticed a man coming towards us with a white flag. He asked Burton what he wanted, and he was told an unconditional surrender; and Burton told him that he wanted them to stack their arms to the left of the school-house, and the people were to stand on the other side. After we returned we saw, people coming from all directions, who began stacking their arms. After some were stacked we rode in. When we got in a little way I was ordered to go back and order ten men to come in and take charge of the arms. I went and gave the order. Ross cut off a squad of men. I went ahead of the men. I arrived just as Burton did. Burton passed around the school-house, and the people were formed in a kind of half moon to the south and southeast of the school-house. There was a large crowd of Morrisite people there. The first thing I heard was from a man named Parsons, who stood to Burton's left. He asked what Burton wanted, and Burton said he first wanted certain men, but stated also that he then wanted every man there. Morris was allowed to speak to the people if he would be brief and not say anything of a treasonable nature. Morris, who was to the right of Burton, stepped out in advance of the people, raised up his hands and said, "Brethren and sisters, all that are willing to follow me unto life or death, follow." They raised a shout and followed. I thought the response was general. We were all facing the people, Stoddard to the right of Burton. Burton ordered Morris to halt three or four times, after which he said, "Stop him, boys," and then the shooting commenced. Think there were five shots fired, very quick in succession. The two first were fired so close as almost to sound like one. Stoddard and Burton shot these shots; one of the shots killed the woman; Mrs. Bowman was right behind Morris, and the bullet came through his clothing and struck her in the neck; she had a baby in her arms. I was eight or ten feet north of them; there was nothing to obstruct my sight; I was four or five feet from Burton, and Stoddard was next him; they were not ten feet north of the woman and Morris at the time; the woman dropped instantly and died very shortly after: three shots were fired at Morris; after that he fell; supposed all the shots were fired at him; Morris fell a few feet north of Mrs. Bowman, he moving right on all the time; I also saw Banks lying wounded after the matter had ended; he was 10 or 15 feet nearer the school-house than Morris. The shooting did not occupy over a few seconds; as soon as Morris fell everything stopped; think Burton fired two or three shots; after Morris fell he then ordered the men to separate from the women and children, and they were marched up to camp; the first thing that he did after Morris fell, he wheeled his horse around, raised up in his stirrup, and called to his men outside, who had commenced firing, to cease. His horse became very restive, raising on his hind feet and lunging toward the east. She never spoke to Burton. No woman spoke. Think I should have noticed it if a woman had. No woman during that time came toward Burton to take hold of his bridle rein. Think his weapon was a navy revolver. Just previous to coming into the fort he fired two or three shots out of it. I was with him, he had no opportunity to reload his pistol. I was acting as commissary and quartermaster. I was generally with Mr. Burton. I was sometimes an aid. Obeyed orders which he made at different times. Made no examination of the body of the woman afterwards. I saw the blood come out of her neck. She lay with a child in her arms, and I asked a Morrisite to take the child out of her arms. Don't remember how many male prisoners were taken, about 150 I should think, but cannot tell. They were taken to the camp and afterwards marched to the city. Can't tell how many arms were taken. Should think one-third of them were loaded. Saw the boys carry ten or twelve arms out of the school-house after the affair was over. Burton did not dismount till he got back to camp. Told me to go to camp and fix up some provisions for the women and children, and I did so. We left together. Have known Mr. Burton over twenty years, intimately, and never heard him swear in my life. May have heard him say "Damn" or something like that, but can't say I have. Have always looked upon him as being a peaceable and orderly man. He has nearly always been an officer. Never saw him manifest any violence. He has a general reputation for being a peaceable and quiet man, and not given to violence. At the time of the shooting think there were four horsemen with horses, and from ten to twenty men in the fort. Not more than twenty. They were near the arms, between them and the Morrisites. Think all the men were armed that were with him. Some of the men went in from behind the breastwork. Some of them were armed, but not all of them behind the battery, because some had to work it.

Cross examination — Think all that went in with Mr. Burton were armed. I was commissary and quartermaster. Can't tell how many men I issued rations to. Perhaps 100. From 50 to 100, that came from Salt Lake. Think there were about 200 in the whole command. Those who came from the other settlements brought their own supplies. Kept an account of the rations issued, and made a report to Burton. I guess he paid for them. Somebody did, I guess. One of the guns was a little brass cannon. Can't tell the size of ball it carried. The cannons were stationed on the south hill. Think they were close together. Can't tell who had command of the artillery; believe it was a man named Ladd. Saw the cannons fired. The balls went north. One went over the camp; the other struck in a wheat field, bounced and went into the bowery. Could see it distinctly. Can't say how high the bluff was. The wheat field was on a level with the fort. The wheat field was not a great way from the bluff. We were shooting quite a distance; should not think it was a mile. The ball struck a few hundred yards from the foot of the bench; perhaps 300 or 400 or 500 yards. From there to the bowery it was about 200 yards. Can't tell the condition of the wheat field, think there was wheat in it; it was soft bottom land. Don't think I saw the first ball. Heard the report. Think it struck on the other side of the river. Can't tell the size of the ball, nor whether they were solid or not. When in the field I acted as Burton's aid. He was around the camp sometimes during the day. I went with him around to the west side. It was late in the evening, towards night. Rode beside Burton when I could keep up with him. He was on an ambitious, good horse. The horse was not excited till the shooting commenced. Don't know whether Burton's men were anxious to follow him into the fort or not. Saw only one white flag. There was a mud wall on the east side of the lane, I think. Could see over it. The men standing in the lane could see the school-house, and see the Morrisites, I think. We could see over the wall. They shot at us as we were riding around from the south side to the west side, outside the fort. We were exposed at one point and were fired at by the Morrisites. One house on the west side was taken by Burton's men. Can't tell how many men there were on the west side; 50 to 75 men. These men did not then follow us down the lane. Don't think those on the other side of the fort were in. Morris stepped out from the middle of the circle. He had his face towards the north, but turned and looked up and down, and said, "All that are willing to follow me unto death, come on." He started in a northwest direction, that would take him towards the arms. Did not see any arms among the Morrisites. Morris went about twelve feet before he stopped. His people made a general rush after him. Morris walked very quickly. He was still going when he was shot. Burton and Stoddard and Croxall had pistols, I guess. I had a pistol. We came pretty close to the arms—between the people and the arms. Morris was about fifty or seventy-five feet from the schoolhouse, and we were eight or ten feet from him. Our men were near the arms. Suppose they were in line. Don't know who shot the bullet that struck Mrs. Bowman. The two shots were so close together, I can't tell who shot it. Burton and Stoddard fired the two shots. Morris was facing north and Burton was facing south. He was going towards Burton. He was six or eight feet from Burton when shot. The ball that killed Mrs. Bowman went through the clothing of Morris on his right shoulder. The woman was right close behind him with a child in her left arm. It struck her in the neck. Think there were four persons killed, Morris, Banks, Mrs. Bowman and they say there was another lady, but did not see her. Mrs. Bowman was the only woman I actually knew of being killed. Did not hear her speak or make a noise. She started right out with Morris. The other horses were more or less excited. Burton's horse made a lunge. Did not see any one try to take hold of the horses' bridles. Believe I took charge of the arms, but can't say how many. Don't know of our getting any ammunition from the Morrisites.

To jurors—Suppose Morris was among the Morrisites, but I did not then know. When we rode up we could see people coming and stacking their guns, may be I saw a dozen persons do so. Stoddard and Burton were close together, side by side. Did not see Banks until the thing was all over.

WILLIAM BROWN

Was then sworn: Live in Weber County. Am sheriff of that county. Lived in Weber County at a place called Riversdale, in 1862, about two and a half miles from the Morrisite camp. Had been there and made some service. Was constable and deputy sheriff at the time. They were regarded as a lawless people. When I went there as an officer, I had an execution against John Banks. I went in on the west side. I was stopped by Lord and Peters, guards, who took me over to where Banks was. There was there another guard, and I went in and told Banks my business, and he said to the guard, "take him out," which they did. They escorted me across the fort and I went home. Think it was in April. Never went again in an official capacity. Went there with Burton's force. Joined his force on the 12th of June. In the evening of the 13th we marched to the hill south of the Morrisite fort. I was about ten rods away from the first cannon when it was fired. Either the first or second ball lodged in the field, bounded and then struck a house eight or ten rods from the bowery. Can't say where the other ball struck. On the evening of the first day I took a prisoner; his name was Oakason. Two cannon shots were fired at the beginning; the firing of small arms afterward, commenced from the Morrisites. No small arms fired until after the two cannons were fired, the Morrisites commencing. I was not engaged near the breastworks. I was near the howitzer, near the fort wall. I knew of the building of the breastwork; it was about 100 yards from me when I first saw it. It was, I believe 5 or 6 o'clock when it came up to the wall, shortly after which I saw a white flag at the southeast part of the fort. A man named Brown carried it, and came to the west lane and met Burton outside of the wall. Heard some of what passed. Heard Burton say to him to stack their arms in some convenient place in the fort. Heard something else, but can't say what. Brown then went back. About five or eight seconds later the people commenced coming out and stacking their arms at the northeast corner of the school-house. Burton rode inside with Stoddard, Golding and Croxall. Some one else said to send in ten men more. I started from the old fort wall, and when we got near the breastwork we were joined by eight or ten men on foot. Went near the school-house, and about the time I got there Burton rode between us and the school-house. The first words were spoken by John Parsons, who asked what was required of him. Burton had a paper in his hand, and I believe read it. He said he wanted five persons, and all others who had taken up arms against the law. Parsons asked if Morris could speak to the people, and Burton said he could if he would be brief and not incite the people to further resistance. Morris then stepped out and said: "All that are willing to follow me and my God, follow," and there was a general rush. By that time I had got near the south end of the schoolhouse. Morris, when he spoke, might have turned to his people, but I could not say. They all hollowed "Aye, aye!" "To arms!" and made a break in the direction of the arms, others making for the school-house, and I started to go to the door, but a Morrisite got there before I did and grabbed a gun from the inside of the door. I grabbed him, wrenched the gun from him and dragged him aside. Burton hollowed to Morris to halt, and finally said "Stop them" and fired at Morris. He might have shot twice. Didn't see anyone fall at the first fire. They all fired quick and close together; think about eight or ten shots were fired, occupying not more than four seconds; no more shots were then fired by Burton or his party; four persons fell; at that moment I thought they had got us into a snap; I thought we were going to have a "hell of a time there in a minute." I went to the schoolhouse because the people rushed there, and I thought it was the strongest place in the camp; there were arms there; didn't see Burton dismount; he was arranging the men before going to camp; it was dark before we went out; men and women had piled all around Morris and we had to drag them away; a party of unarmed men put them in line; the prisoners were placed in the school-house, before being moved away; some might have been north of the school-house, but I did not see them; after the firing I went into the school-house; on the west side of the door the floor was taken up and the floor scooped up, and the dirt was banked up against the wall; a man came out of doors with about six or eight arms and said there were more arms. I went in and could not see any until I went into the place dug and found four guns in the sleepers under the floor. One horse was a large black stallion, I remember, and belonged to Stoddard.

Cross-examined—Found no ammunition in the fort. Don't know that the guns we got in the schoolhouse were loaded. Some guns were fired off in Burton's camp next morning. Two yagers and a shot-gun I took out of the schoolhouse. I saw who did the shooting it was Judson Stoddard and Burton. Stoddard fired the greatest number of shots. Don't know who he fired at. Burton fired at Morris. Think he hit him. People were right up against Morris, perhaps some of them had hold of him. Don't know whether they were men or women. Am sure Burton shot once. Don't think he shot twice. Think Morris turned and fell from the effect of the shots. The people rushed around where Morris was. He fell about five feet from where he stood. The judgment against Banks was for borrowed money. I think that was the last execution served on the camp.

Re-direct—Have known General Burton 29 years. Have known him intimately during that time. Is a man of even temper, slow to anger, and opposed to violence. Have always found him so. A mild, even-tempered man, or he would not have waited as long as he did before firing at Morris. His directions were to be very careful against taking life unnecessarily. He also ordered the men not to shoot at the schoolhouse, as he thought that the women and children were there. When the people left the bowery, Burton saw three or four go towards the river and sent five or six men after them. I was one. We started and a man named Childs came running after me and told me the orders were not to shoot any one; take them without killing. We got one man; he was unarmed.

Re-cross-examination—Gen. Burton thought we might be rash enough to commence shooting unnecessarily. Orders were, to be very careful about shooting, lest we might hit some one going to surrender. Saw the cannon ball strike the field. Did not see the ball strike the bowery. Didn't know it struck the bowery till I captured the man. They were lawless on account of the revelations they had. I looked upon them as half crazy. They made no provisions for looking after themselves, and everything was held in common. Have no other reason for thinking them lawless.

Court adjourned till Thursday morning at 9.30 o'clock.

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