

[Special to DESERET NEWS.]

## TERRITORIAL DISPATCHES.

PER DESERET TELEGRAPH LINE.

## Sentence of Lee.

BEAVER, October 10th.

The court met at 9 o'clock a.m.

After the reading of the minutes, John D. Lee being in court, Judge Boreman proceeded to pass sentence of death upon him.

Judge B.—John D. Lee, have you anything to say why sentence of death should not be pronounced against you?

Lee, in a firm voice, replied—I have not.

Judge B.—You, John D. Lee, the prisoner at the bar, have, by the verdict of a jury, been found guilty of murder in the first degree. From the evidence before them, the jury could not have done otherwise than to find you guilty. The proof was clear and positive. This is your second trial. At the trial last year the evidences of your guilt were plain, but three-fourths of the jury, for some cause, were for your acquittal. The testimony adduced on the present trial is mainly from witnesses that could not then be obtained, but this evidence, for some cause, has been unsealed, and they, the witnesses, are found ready in your case to tell what part you played in the great crime. They will hereafter have opportunity of telling what others did to aid in planning and executing it. The facts that the evidence was not brought out on this trial to criminate some other leaders does not show that such evidence does not exist. Much of such testimony name out on the former trial, and the public, in endeavoring to reach the bottom of the whole matter, will not confine itself to the evidence brought out on this trial alone. The evidence at both trials will be considered together, and according to the evidence at the former trial, the massacre seems to have been the result of a vast conspiracy, extending from Salt Lake City to the bloody field, and the emigrants were plundered all along this line of travel. Nowhere were the citizens permitted to give or sell them anything to sustain life, either to man or animal, although they were sorely in need thereof, and the men who actually participated in the bloody deed were not the only guilty ones. Although the evidence shows plainly that you were a willing participant in the massacre, yet both trials, taken together, show that others, and some high in authority, inaugurated and decided upon the wholesale slaughter of the emigrants; that the slaughter took place nineteen years ago, and from that time down to the present term of the court, there has been, throughout the territory, a persistent and determined opposition to an investigation of the massacre. Shortly after the slaughter, Judge Cradlebaugh sought to have it investigated, but he, for his efforts in that direction, was vilified beyond measure, and the ruling powers among the people caused Judge Cradlebaugh's efforts to be entirely unavailing. The same policy has thwarted every effort, from that day to this, to bring the guilty to justice. At the former trial last year, the whole power and influence of those who are supposed to have had something to do with the dreadful crime were against your conviction. This opposition to the investigation was in strict accordance with their settled policy of hostility, and to putting the blame of this crime where it belongs, but their efforts to smother and crush out the investigation were found to assist or avail them no longer. It was impossible to longer delay the day when the inside facts of the conspiracy should be brought out, and they have suddenly changed their policy, and seem now to be consenting to your death. I do not comprehend why this is so, unless they have hope, by your conviction, to appease the public indignation throughout the country, and that your conviction and death would end the further investigation of the matter. But in this they are greatly mistaken. This dread crime will not down in your conviction, but it is the beginning of the end. The demands of justice will not be sacrificed. They, the guilty leaders in planning and executing that crime, are known, and will be brought to the bar of justice, and their cases investigated in the

courts and passed upon by an impartial jury. It gives me no pleasure to say anything in reference to the awful deed in which you were a willing participant. You, and all those who plotted this deed of blood, or who participated willingly therein, are no doubt guilty of a great crime, and the inoffensive victims, their mouths are closed in this world, will meet and confront you all at bar of Almighty God, where the secrets of all hearts shall be made known, and the guilty cannot avoid that tribunal. The world has not sympathy for the perpetrators of so dastardly and cruel a butchery, and the Christian civilization of our day stands agast at the long and persistent efforts to prevent the guilty from being brought to justice, and the long delay can only be accounted for upon the supposition that the guilty leaders, in plotting and carrying into execution this crime, controlled, and still control, the popular will and public sentiment in this Territory. There is a sympathy for you among some of the people, growing out of the belief that you have been deserted by the parties and the plotters of the crime, and left to be sacrificed, but yet all good men feel that your conviction is but the proper execution of the law. It is painful that any human being should suffer death for any reason, but outraged justice requires it. No one, that I know of, connected with the administration of the law, takes any pleasure in your death, nor in the death of any one. It is a settled duty which devolves upon them in this matter, and they cannot avoid it. In accordance with the verdict of the jury, and the law, it becomes my duty to pass sentence of death upon you, and in doing this the statute requires that you may have the choice of you desire of three different modes of execution, namely, that of being hanged, by shooting, or beheading. If you have any choice or desire in this respect, you can now express it.

Here the prisoner asked to be executed by being shot. Lee said—I would rather be shot.

Judge B.—As you have made a choice and expressed a desire that you be executed by being shot, it follows that such shall be. The judgment of the court is, therefore, that you be taken hence to a place of confinement within this Territory, and that you there be safely kept in confinement until Friday, the twenty-sixth day of January, 1877; that between the hours of 10 o'clock in the forenoon and 3 o'clock in the afternoon of that day you be taken from your place of confinement, and in this district be publicly shot till you are dead, and may Almighty God have mercy upon your soul.

## CORRESPONDENCE.

Plenty of Fruit—Ladies' Store—U.O.—The Temple—New Tabernacle—Weather, etc.

ST. GEORGE, Oct. 4, 1876.

Editor Deseret News:

St. George abounds in the rich fruits of the earth this year. Apples, peaches, pears, and grapes in great abundance. Dried peaches bring only five cents per pound; other fruits in proportion.

Some time ago the ladies of this place started a store, which is, and has been, doing a lively business. Mrs. Agnes McDonald gives satisfaction as saleswoman.

One good result of the ladies' store being started is a reduction in the price of merchandise, even the (men's) co-operative store has reduced its prices. This makes all good citizens say success to the ladies, and it looks better to see a lady selling "pins and needles" than to see a fat, lazy, overgrown man at such a business.

The First Ward Order deserves mention, as it appears to be quite a success for a small business. Brooms and cooperware are its articles of production, and under the able and wise management of Robert C. Lund it has been the means of bringing into the place seven thousand pounds of flour, some money, and other good pay, all of which has gone to pay workmen, buy material, and carry on the business. The poor man has been benefitted by this management, and the prospect is that the business will increase, as it has the good wishes of the people.

Bros. Alman, Milne, and Burt are busy at the Temple, each having charge of a corps of men of his own profession, Alman having an oversight of the whole. Bro. Parry finished his work on the Temple day before yesterday and is now busy laying a flag stone floor in the basement of President Young's new house.

Mining is dull, if not dead.

We now enjoy the pleasure of meeting in our New Tabernacle on Sundays, which is quite a privilege, as it is one of the best (if not the best) in the Territory.

The weather is still dry and warm, with cool evenings. Health is generally good. Peace reigns in our lovely, quiet, little city, and we hope this state of things will ever continue, even if we do not have "greenbacks" for currency.

AMRAM.

## That Sentence.

SALT LAKE CITY, October 12th, 1876.

Editor Deseret News:

The sentence recently passed upon J. D. Lee by Judge Boreman is, in my opinion, so full of misstatements, exaggerations, innuendoes, and breaches of judicial procedure that common justice requires a few words by way of review and reply. In the early part of the harangue (for I can call it nothing else) his Honor takes a sudden and precipitous lurch from the matter before him, and, like a comet, pursues an orbit varying from that of all other luminaries, until the exigency of the case requires him to return to his perihelion, and do that which other judges would have kept in view throughout. But Judge Boreman has, among other ingredients composing his anatomy, a certain amount of venom, which, at the very mention of the word "Mormon," permeates his system so thoroughly that all other objective points are for the time disregarded, and all his Honor's vindictiveness is poured out upon the people of Utah. A person would naturally suppose that pronouncing the solemn words which seal the doom of a fellow being would create a situation of a grave and impressive character, such as would give rise to feelings the reverse of those which prompt a Judge to vent his personal spite upon and belabor the people with whom he differs in religious sentiment. How would such language as Judge Boreman made use of on that occasion sound if incorporated into a funeral sermon? And if it would be disgraceful in a funeral sermon, it is outrageous when coupled with the dismal, dreadful formality which consigns a mortal to death. If the Judge had spoken the first and last few lines only to the prisoner at the bar, and then, dismissing the unfortunate man, proceeded to deliver the intermediate portion of his diatribe to the spectators, it would not have been less dignified and would have been much more consistent.

The Judge says, "At your former trial the evidences of your guilt were plain, and yet three-fourths of the jury, for some cause, were for your acquittal." At this he affects astonishment; I say affects, because he knows as well as any one can know the cause of the failure of the verdict on the former trial. If he had told the whole story, and not condensed a portion of it into those significant words "for some cause," he would also have enlightened every one who reads his death-lecture as to why there was no previous conviction of Lee; for he would then have stated that the prosecution, on the first trial, were apparently indifferent upon the subject of the prisoner's conviction, the chief object being evidently to fasten guilt, or at least throw a cloud of suspicion, upon the whole "Mormon" church, using Lee merely as a figure-head. The writer hereof heard more than one of the prosecuting attorneys on that occasion make the barefaced, shameful assertion that the "Mormon" church was on trial, one of them even attempting a justification of this unblushing piece of knavery by claiming the analogy of such a proceeding with the Dred Scott case, which was tried before the United States Supreme Court some years ago, the attorney asserting that while the fugitive slave was the ostensible object of the trial, a great cause really hung quivering in the balances. He overlooked the fact that the "cause" referred to was not brought into Court, but was created, fermented, and per-

fect in the public mind after the trial, whereas, in the Lee case, according to the prosecution's own admissions, the cause was on trial and the man was merely an auxiliary in the background.

Furthermore, in the closing speech to the jury, this matter was pressed upon them, and couched in such insolent and violent language that, when they retired to the jury room for deliberation, manifestly the only issue which presented itself to them was this—"Is the 'Mormon' church guilty or not guilty of the Mountain Meadow Massacre?"

Lee was not convicted, because, in my opinion, Lee was not on trial. Judge Boreman is aware of this, and yet he says "for some cause," as if it were a profound mystery to him! Consistency, where art thou? One of the leading lights of a political ring in Utah ignorant of a matter which the organ of the ring boldly announced and attempted to defend some time previous to the declaration of ignorance! It won't do.

Having set judicial usage aside for the purpose of unloading his wrath, the Judge concludes to make a complete job of it while he is at it, and to this end dismisses the facts from his councils as well. The statement that the slaughtered emigrants were robbed all along the road from Salt Lake City to the Meadows, is a fabrication which must have originated in the brain of the judge himself; even if the people refused to sell them provisions, as was stated, but not proved, this does not constitute robbery. And whoever informed his honor that Judge Cradlebaugh was persecuted for attempting to investigate the massacre must have been egregiously mistaken.

Taking it as a whole, and viewing it as a legal, a literary or an ecclesiastical effort, I regard Judge Boreman's sentence of John D. Lee as standing alone, unrivalled as an abortion; it was too malignant for a judge, too ungrammatical for a litterateur, and too prolific of falsehood for a religious denunciation. Instead of dispassionately reviewing the evidence by which the jury were led to a verdict of guilty, and announcing his duty in connection therewith, by crystallizing all the tangled threads of law and fact into a distinct focus, and then resorting to such diction of rhetoric as the solemnity of the occasion would admit of, the Judge went entirely outside the record to collect remote, scattered and incoherent materials for a diatribe unbecoming, shocking, and unprecedented. Political partisanship in religion, fanaticism on the bench, and venality at the bar, are the culminating achievements of the Utah ring.

INVESTIGATOR.

## By Telegraph.

AMERICAN.

RICHMOND, 9.—Gov. Kemper has refused to name Virginia day at the Centennial by proclamation, his chief reasons are the poverty of the people, and that it is not customary in Virginia to use official proclamations for such purposes.

COLUMBIA, S. C., 9.—Gov. Chamberlain replies to the address of the democratic executive committee, of yesterday, and says he is in possession of legal evidence as to the extent of the disorders in the State, and sustaining the propriety of his course. The letter from D. T. Corbin, U. S. District Attorney of South Carolina, fully sustains Gov. Chamberlain.

NEW YORK, 9.

The President has commuted the sentence of Jake Rehm from six months' imprisonment and \$10,000 fine to three months, and \$1,000, and at eleven o'clock this morning Rehm, having paid his fine, was released from the county jail, where he had been imprisoned. The commutation was made in accordance with a petition signed by five hundred citizens, representing both political parties, and with recommendations of District Attorney Bangs and Judge Blodgett.

DENVER, Col., 9.—Major W. W. Lander, formerly private secretary to Senator Charles Sumner, but for the past two years a well known politician of Colorado, died suddenly this forenoon in Denver.

CHEYENNE, 9.—News from Fort Fetterman states that on the 6th, a party of twelve men and seven ox teams, were attacked by a band of twenty or thirty Indians, twenty-five miles from the above post, badly wounding Jno. Otters, wagon master, and killing one horse and two of the party out hunting. About 8 o'clock they heard a war song and hastened to the train, which was immediately prepared for defense. Four of the men started to find the Indians, which they did, and made a lively retreat, hotly pursued by the Indians, to within fifty yards of the train, when eight men sent a volley into the reds, who retreated to the shelter of the bluffs, and commenced firing upon the train, which was at a disadvantage, and compelled us to move two hundred

yards. The fight continued nearly four hours. The number of reds killed is unknown; two were seen to drop. Mr. Powell, contractor, states that the Indians showed great courage, and were strongly armed with Winchester and army rifles. The telegraph line between Fetterman and Cheyenne was cut about that time, thought to be by the same band.

Otter is doing nicely, but will undoubtedly lose his right arm.

POTTSVILLE, Pa., 9.—This morning, while three loaded cars were being pulled from the slope of the middle of the Lehigh colliery, at New Boston, the rope broke and the cars ran rapidly to the bottom. Four miners, named Wm. Beck, Joe Becker, Thomas Jones and Ed. Nauss, were killed.

LITTLE ROCK, 9.—About 3 o'clock this morning a disastrous fire broke out in Pine Bluff; loss \$150,000, insurance \$75,000.

INDIANAPOLIS, 10.—Senator Morton and Representative Mead, of the Mongolian commission, go to California to-night.

NEW YORK, 10.

To-day is the eighth anniversary of the Cuban war of independence, and the occasion will be celebrated in this city, by a requiem mass, at St. Stephen's Church, for the souls of the patriots who have given their lives for their country. At the Cuban Protestant Church of Santiago, *Te Deum* will be sung, after which a sermon will be preached by the Rev. Joaquin de Palma.

Pat Maguire, of Mount Vernon, on Sunday night, during a quarrel with his wife, charged her with infidelity, and seizing their children one after another exclaimed, as he dashed them to the floor, "This is not mine!" One of the children has died from its injuries, the others are in a precarious condition.

An altercation occurred in Washington Market, this morning, between Hugh McCabe and Frank McCarron, in which the former was fatally beaten with a cart rung. McCarron was arrested.

NEW YORK, 11.—The warrant of the tax receiver against the property of the Pacific Mail Steamship Company was placed yesterday in the hands of Marshal Hayes, of the tax office. Marshal Hayes says he should retain the warrant for service upon the first piece of the company's property he could find, but he believed that it had nothing but the incoming steamships on which he could levy.

WASHINGTON, 11.—The anxiety to learn the result of the elections continues. Crowds surround the telegraph and newspaper offices. The excitement is as great as at any presidential election.

President Orton, to-day, presented his annual reports to the directors of the Western Union Telegraph Co. The net gross receipts for the year, from all sources, were \$10,044,983; gross expenses \$6,635,473; net earnings \$3,399,510. As compared with the preceding year there was an increase of \$470,909, or four and nine-tenths per cent. In the gross receipts \$300,058 or 4.7-10 per cent. The gross expenses, and \$170,350 or 5.2-10 per cent in net profits.

NEW ORLEANS, 11.—Among those lost by the burning of the *Southern Belle* are Wm. Von Phue, Mr. Drose, Miss Fannie O'Connor, and another lady of Baton Rouge, Mr. Frank, of Port Hudson, Wm. Sangfrank, an employee of the boat; the steward and his crew, it is supposed, nearly all sleeping in the stern, were burned to death. Cargo was from 500 to 800 bales of cotton. The boat was valued at \$45,000, insured for \$30,000. The pilot was the hero of the occasion, holding the boat's bow to the shore at the risk of his life. He was seriously injured at last by leaping from the pilot house to the deck.

LITTLE ROCK, 11.—It has been ascertained that the Pine Bluff fire was the work of incendiaries. The loss now foots up a quarter of a million dollars; insurance very light.

CORINNE, U. T., 11.—Col. H. I. Chapman, engineer of the Portland, Dalles and Salt Lake Railroad, has returned from Marsh Valley, Idaho, to which place the line of the road has been surveyed. He reports the route over the Malad pass both easy and practicable, with no greater grade than ninety feet per mile, with a ruling grade of seventy feet. The road has been located to Malad City, Idaho, and the engineers are now at work completing the cross-sectioning, and a large force of graders are preparing the road as fast as