

[Special to DESERET NEWS.] TERRITORIAL DISPATCHES.

PER DESERET TELEGRAPH LINE.

The Lee Trial.

BEAVER, Utah, Sept. 14th.

In the Second District Court, this morning, in the case of the People vs. "Idaho Bill," defendant plead not guilty; the People vs. Idaho Bill and Al. Winn, defendants plead not guilty; the People vs. Idaho Bill et al., defendants plead not guilty.

The People, &c., vs. John D. Lee; petit jury impanelled and sworn to try the case. The names of the jurymen are—Wm. Greenwood, John E. Pace, A. M. Farnsworth, Stephen S. Barton, Valentine Carson, Alfred J. Randall, James S. Montague, A. S. Goodwin, Ira B. Elmer, Andrew A. Correy, Charles Adams, Walter Granger. District Attorney Howard is opening the case to the jury now, 2:30 p. m. Bishop and Foster, of Pioche, assisted by "One Spicer," are attorneys for Lee.

District Attorney Howard, in opening the case to the jury yesterday, made a concise, clear and comprehensive statement, asserting that the prosecution would not seek to convict a whole community for a crime perpetrated by a few men.

The giving of evidence will commence to-morrow. A number of witnesses who testified at Lee's former trial will do so at this. Opinion here is divided as to the probable result of the trial, some express belief that the prisoner will be convicted while the latter's counsel and others are of opinion the evidence will be insufficient for a conviction.

In the Second District Court this morning after the arraignment of Idaho Bill, Al. Winn, and N. F. Hansen, the case of the People vs. John D. Lee, for the murder of emigrants at Mountain Meadows in 1857, was called. Both parties announced themselves ready for trial.

The Petit Jury were called, and in about one hour, to the astonishment of a great many, a jury was empanelled to try the case. The court then adjourned till 2 o'clock p. m.

At 2 p. m. District Attorney Howard opened the case to the jury for the prosecution. He reviewed the history of the case, and announced that he came here to try John D. Lee and not Brigham Young and the Mormon Church, who were not indicted. He intended to try John D. Lee for acts committed by Lee personally. He recited to the jury the facts which he proposed to prove by competent testimony as to J. D. Lee's guilt in the case. He proposed to prove that John D. Lee, without any authority from any council or officer, but in direct opposition to the feelings and wishes of the officers of the Mormon Church, had gone to the Mountain Meadows, where the Indians were then encamped, accompanied only by a little Indian boy, and had assumed command of the Indians, whom he had induced, by promises of great booty, to attack these emigrants; that in his attack on the emigrants he was repulsed; that finding he could not get the emigrants out he sent word to the various settlements of Southern Utah for men to be sent to him, representing that the men were needed for various purposes, to some saying the Indians had attacked the emigrants and it was necessary to have men sent to draw off the Indians, to others that men were necessary to protect the emigrants, and still to others that the emigrants were all killed, and that they were required to bury the dead; these men went in good faith to perform a humane act, that he had arranged with the Indians to bring the emigrants out from their corral, or fort, by means of a flag of truce; that by this act of perfidy he had induced the emigrants to give up their arms and place themselves under his protection, loading the arms and the wounded with the helpless children into two wagons, which he had ordered up for this purpose; that he then started the wagons ahead, following them himself, and the women following next, the men bringing up the rear in single file; that Lee, after having travelled from three-quarters of a mile to a mile, gave the order to fire, and the slaughter commenced; that Lee shot one woman with his rifle, clubbed the rifle, and brained another woman;

then drawing his pistol, shot another, and seizing a man by the collar and drawing him out of a wagon cut his throat; that he gathered up the property of emigrants and took it to his own place, using and selling it for his own benefit and use; all these charges against Jno. D. Lee, he (District Attorney Howard) proposed to prove to the jury by competent testimony, beyond reasonable doubt, or beyond any doubt, and, thought no appeal to the jury would be required to induce them to give a verdict in accordance with the evidence.

Attorney Howard's delivery was very forcible and effective in the opening, showing that he had well studied and laid out his theory of prosecution.

W. W. Bishop, of Pioche, opened the case to the jury for the defense in a very able and eloquent speech, denouncing the character and testimony about to be introduced by the prosecution. He was glad to hear that Brigham Young and the Mormon Church were not on trial in this case. It was the first time in Utah that he had had the pleasure of trying the case on its own merits. He was not afraid of the conviction of Jno. D. Lee, and asked the jury to carefully examine the character of the testimony introduced by the prosecution.

BEAVER, Sept. 16.

This morning, after some argument between Bishop and Howard as to witnesses being kept out of the court room and from conversing with each other during the progress of the trial, Boreman ruled that witnesses could have the liberty of the court room, elsewhere, or converse.

President D. H. Wells was the first witness the prosecution called. He testified that he had lived in Utah since the Fall of 1848. He knew John D. Lee, who lived at Harmony in 1857. He was a farmer among the Indians, and had influence with them; understood their dialect sufficiently to converse with them. Lee had been a major in the militia, but witness believed he was not one at that time.

Laban Morrill, of Johnson's Fort, was called. He testified that he lived there in 1857; was a member of the council of Cedar City; a few days after the emigrants passed through Cedar a council was held, at which he was present, when the subject of the destruction of the emigrants was discussed, and urged by a few, particularly Klingens Smith and Haight; that Klingens Smith was the most obstinate of any in the council, and was determined on the emigrants being massacred. Witness strongly opposed and urged that a message be sent to President Young, and that the Indians supposed to be attacking them be held off till an answer dispatch could be received. Knew James Haslem, who was sent with a message to President Young, and returned forty-eight hours after the massacre was finished.

James Haslem, of Wellsville, Cache Valley, was sworn. He lived in Cedar City in 1857; was ordered by Haight to take a message to President Young, with all speed; knew the contents of the message; left Cedar City on Monday, Sept. 7, 1857, between five and six p. m., and arrived at Salt Lake on Thursday at 11 a. m.; started back at 3 p. m. and reached Cedar about 11 a. m. Sunday morning, September 13th. Delivered the answer from President Young to Haight, who said it was too late. Witness testified that when leaving Salt Lake to return, President Young said to him—"Go with all speed, spare no horse flesh. The emigrants must not be meddled with, if it takes all Iron county to prevent it. They must go free and unmolested." Witness knew the contents of the answer.

Samuel Knight of Santa Clara testified that he was ranching at the north end of the Mountain Meadows in September, 1857; saw Lee one evening with bullet holes in his hat and clothing, Lee said that he, with Indians, had attacked the emigrants that morning and had been repulsed. Lee and Klingens Smith ordered Knight to take his team and go with them. Went to the emigrant camp; saw Lee go with a man carrying a flag of truce. A man came out of the camp and talked with Lee. Immediately after the emigrants all came out. Their guns were loaded in Knight's wagon with some wounded women and children. Witness drove the second team; McMurdy drove the first wagon. Reaching rising

ground witness heard a gun fired, and saw Lee strike a woman with a club or gun who fell dying. All were killed in his wagon but the children.

McMurdy, of Paradise, Cache Valley, testified that he lived in Cedar City in 1857; was ordered by Higbee to go to the Mountain Meadows with his team and bring the emigrants back; reached there at midnight; did not know how many men were there; saw Lee and Klingens Smith, who were the leaders of the massacre; at the Meadows went to the emigrant camp and loaded his wagon with men, women and children, about six. When over rising ground, out of sight of the emigrants who were following on foot, heard a gun fired and saw Lee holding a gun pointed at a woman's head. Saw Indians rush on the emigrants. After the killing was over Lee threw the dead bodies out of his wagon, and witness brought the children to Cedar.

On the cross-examination by Bishop, witness declined answering as to any participation in the massacre.

Jacob Hamblin was recalled this a. m., stated that Lee further told him that an Indian chief, who lived at Cedar, brought two girls, who had been hiding in the brush to him, Lee, and asked what he should do with them; that they were too pretty to kill. Lee replied that he must shoot them, that they were too big. The Indian then shot one and Lee threw the other down and cut her throat; that when Hamblin returned to his rancho he went over the ground and found the bodies of two girls, about the age described, from 13 to 15, lying near together, with their throats cut, as described to him by her; that one of the children, who was about eight years old, was at his house, who claimed the two bodies as her sisters, and that their name was Dunlap.

Hamblin, on being asked by the defence if he had ever told this to any one, replied that he had, and more too; that soon after the occurrence, when he remembered it better than he did now, had told it to President Young and George A. Smith; that President Young told him that when the right time came, and we could get a court of justice to go and tell it; and on being further pressed, said he had not seen the effects of any court of justice from that time to this, but thought now was just the right time to tell it.

Johnson, on being recalled, stated that subsequently to the massacre he was sent to protect the next company of emigrants to the Santa Clara; that on his way he stopped at Harmony, where he saw John D. Lee, who proposed to him to get the emigrants into an ambush to destroy them by the Indians, and so get their property; also that he, Johnson, replied, "There has been too much blood shed by you already. I have been instructed to see them safely through and I will do so or die with them;" that he then abused him, calling him ugly names; that he identified the prisoner at the bar as being Jno. D. Lee.

The prosecution rested their case here, to the surprise of all present in the court room.

Lee's attorneys announced that they also rested their case, and would not introduce any witnesses, but give the case to the jury on the evidence already adduced by the prosecution, and asked for a continuance of the case until Monday the 18th, to give time to prepare argument and instructions to the jury.

The court adjourned till Monday at 10 o'clock, and instructed the witnesses to remain, as other cases pertaining to the massacre were to be disposed of.

BEAVER, Utah, Sept. 18th.

The evidence of McMurdy on Friday afternoon and Saturday last was very clear and positive as to Lee having shot and killed four or five wounded men and women, lying helpless in the wagon that witness was driving, and his heartlessness in the slaughter. Witness drove the lead team and testified that as soon as Lee fired the first shot, preceded by the word "Halt," the Indians rushed out of their ambush, apparently on all sides, surrounding the emigrants completely, and the work of destruction only lasted a few minutes; that from his best judgment there were not to exceed twenty-five white men on the ground, who had been deceived as to what was wanted of them there; and Knight testified

that not more than one-third of this number took part in the massacre, and it can be proven that several, even of these, shed no blood, firing in the air; that the Indians were armed, some with bows and arrows, but mostly with guns, and soon completed the destruction.

Nephi Johnson testified that he lived at Johnson's Fort, Iron Co., in 1857. He was on the Mountain Meadows at the time of the massacre. He affirmed that he did not know Lee's intention as to the destruction of the emigrants. He was on the hill near by when Lee fired the gun. He saw Lee shooting and kill two or three. He was an Indian interpreter and engaged to conduct the Jukes company of emigrants, the next following the company massacred, from Beaver to Clara; that when witness got to Harmony, on the way with the company, Lee urged him to lead them into ambush in the Santa Clara mountains, and Lee would surround them with the Indians and destroy and take all they had. Witness refused, saying, "You have shed enough blood already. I have agreed to pilot this company through the country, and will do so if it costs my life." Lee called him a coward, whiffet, etc. Defense cross-examined this witness more than the rest and confused him some, but could not affect much damaging positive evidence as to Lee's acts and guilt.

Jacob Hamblin, the last witness called for the prosecution, testified to admissions by Lee to him of acts of murder and participation in commencing and completing the massacre and that Lee justified himself in the act.

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One bay horse COLT, about 2 or 3 years old, branded C on left thigh, a little white on left fore foot and in flank.
One bay MARE, 2 or 3 years old, brand resembling E, with half circle over it, on left shoulder, white spot in face, left hind foot white.
If the above described animals are not claimed and expenses paid they will be sold on Monday, Sept. 25th, 1876, at 8 a. m., at my corral.

J. A. BAILEY, District Poundkeeper.

Nephi, September 15, 1876. to 30 ds AV

ESTRAYED.

BROKE into J. C. Little's field on the night of Sept. 10th.
One strawberry roan MARE, has a halter on, also a pair of hobble, one white spot in forehead, A R and 22 under it on left thigh.
Also one sorrel HORSE, white strip in face, branded B L on right shoulder, looks like B L on right hip and B L on right thigh.
The owners will please pay charges and take them away.
WM. & JAMES POWELL, Little's Farm.