

## Trial of Gen. R. T. Burton.

THURSDAY, Feb. 20.

The Third District Court room was filled this morning by a crowd of spectators, the attraction being the trial of General R. T. Burton. The jury were called, eleven answering to their names. After some delay the twelfth juror came into court and took his seat in the jury box, when the clerk read the indictment, charging R. T. Burton with the murder of Mrs. Bowman in the year 1862, to which he pleads not guilty.

The case for the prosecution was presented by Deputy United States Attorney Jas. H. Beatty. He stated that the proceedings of the case would be read with interest in every part of the country, and that a fair, impartial trial should be given to the defendant. On account of the time which has elapsed since the commission of the crime, he urged upon the jurors the necessity of overlooking the different statements in minor matters connected with the case, but the main facts he stated would appear. He said on the 13th of June, 1862, there appeared a large band of militia on the bench overlooking the Morrisite fort, who were under the command of the defendant. The besieged were summoned to surrender by a note carried into their camp by a boy. In this note 30 minutes were given to them to surrender. The fight immediately commenced and lasted three days, after which the white flag was displayed by the Morrisites. He showed to the jury a plan which had been drawn of the Morrisite fort and the surrounding bench on which the posse under General Burton were encamped. Two men entered the fort on horseback at the head of the militia, and Morris stepped aside telling all who would follow him through life and death to step towards him. After which the crowd following him, he was shot, and upon some disrespectful remarks of Mrs. Bowman, she, too, was murdered. The prosecution intended to prove that General Burton, without provocation, killed this woman. Another woman was previously killed; she was near Morris, perhaps had her arms around his neck. The attorney stated that Morris stepped aside, not to secure the arms which had been stacked near by, but with the expectation that he would receive divine assistance. In conclusion, he said the prosecution are firmly convinced of the guilt of the defendant, but only ask from the jury judgment warranted by the evidence.

The defendant's counsel asked that all the witnesses, except the one testifying, should be excluded from the court room during the progress of the trial. It was then suggested that all the prosecuting witnesses be called and sworn at the same time, but Judge Van Zile stated they were not all in town. The witnesses for the prosecution and defense were thereupon escorted to the judge's room, and James Bowman was sworn and put upon the stand. His testimony abridged, was as follows:

I live at Soda Springs, and have done since the year 1863; part of the year 1862 I lived in Weber County; saw Jos. Morris in Weber County; he was the leader of the sect called the Morrisites, who numbered, including women and children, about 500. They lived in a square fort, the buildings, made of timber, being close together, and they formed the only protection. The fort was about six times as large as the court room. It was not all enclosed by the buildings, one side being exposed; I lived there about six months; my wife's name was Bella Bowman; the people assembled in a tent and sometimes in a bowery; the exposed part of the square was fenced to keep out cattle. The chart shown to him, witness pronounced tolerably correct. The closest bench, which was the lowest, was about 300 yards from the fort, and from there to the highest bench, where the posse encamped, was about 200 yards further.

Witness did not see his wife killed; but has never seen her since. One Friday morning, in June, 1862, about 8 o'clock, I saw a number of individuals on the bench just south of the fort. Shortly after, a boy, about 14 years old, came in and went to John Banks' house, where he left a note, which was read by a number of persons. I saw it and heard it read. Immediately after, the bugle was blown to call the people together. (At this

point Judge Van Zile stated that he had a copy of that note and would read it. It invited the Morrisite leaders to surrender or to send away their women and children and all peaceable persons, who would find protection in the quarters of the posse. An answer was required in 30 minutes. Signed H. W. Lawrence, sheriff, per R. T. Burton and Theodore McKean deputies.) Witness did not think there was so much in the original summons, but the meaning conveyed was about the same. The people assembled in the bowery on hearing the bugle sounded. The meeting opened with prayer. A man was speaking, having the paper in his hand, when a cannon ball struck a part of the bowery, killing two women and knocking the chin off a third. This was perhaps 30 minutes after the arrival of the note. Jos. Morris told the people to look out for themselves, and the congregation dispersed. Witness contrived to get behind a house out of the way. The company on the bench could be seen from the bowery, and the firing was continuous. Did not know how long before the Morrisites seized their arms, could not see from his retreat. On the Sunday afternoon about 4 o'clock, the white flag was run up; shortly afterwards saw the men from the bench inside the fort, where they formed a line. Soon after I saw firing from a man on horseback. I was not very close at the time. My wife was not with me at that time. We walked out of a house together, she carrying a child, whose mother had been killed at the bowery by the cannon ball, and as I stopped by a wounded man she went on toward the crowd. The Morrisites had stacked their arms close by, but the posse were between the Morrisites and their arms. I saw two or three men on horseback, General Burton being one of them. I only noticed him as he did the firing. Could not hear what was said. I stayed near the wounded man a few minutes until a doctor (Dr. Clinton) from the attacking party came to him, after which I was taken prisoner with a number of others. The wife of one of our number came up and after speaking to her husband, said to me, "Your wife is killed." I wanted to go to see about it but was not allowed to. Presently Burton came up and I said "my wife is killed," he replying that she should not have been there, or something like it.

The cross-examination was then commenced, the witness testifying that he moved to the fort, called Weber Hollow, in the fall of 1861. No occupation was followed by the people. The time was spent in prayer meetings, etc. Joseph Morris received revelations perhaps once a week. (A long colloquy ensued, in which a number of Morris' doctrines were explained, that he considered himself the seventh angel, that he was the spirit of Moses, etc., and that the Savior was about to come.) There were about sixty who had firearms and they frequently drilled. "Foreshadowing Day," when the Savior was expected to come, was celebrated by a procession, in which the captains of the military organization carried some emblems of their office. One carried a pair of scales; Morris' hat represented crowns and he carried a rod in one hand and a sword in the other. Did not remember whether the men were armed or not.

Remembered a man named William Jones. He had been publicly rebuked for his quarrelsome temper and had left the fort. After stealing a wagon load of flour he was sent for (he lived a few miles away) and brought back and put in jail. Never heard that he was to be killed; did not know how he was to be punished.

Have seen General Burton a few times; did not remember whether he brought a *habeas corpus* for Jones or not.

The court adjourned until 2 o'clock. The witness will be again put upon the stand.

JAMES BOWMAN

Was continued. He testified that he saw Stoddard, a few weeks before the trouble, bringing in a paper for Jones' return. The paper was delivered to Banks, who threw it indignantly on the ground. Did not surrender at the fight because we expected divine assistance, and thought our enemies would be paralyzed. Witness was asked why

more time was not demanded from Gen. Burton to consider the summons to surrender. Said he did not know. After the firing commenced witness concealed himself, and did not see a man from Burton's camp coming towards the fort with a white flag. The fort surrendered because the ammunition was exhausted. I could see Mr. Burton when he did the shooting. The Morrisites were all unarmed. Morris did not move towards the stack of arms; did not hear the people cry "to arms;" did not see Morris fall, nor saw no shot take effect.

MRS. MARY ANDERSON

Testified as follows: I live at Soda Springs; remember an attack in June, 1862. I went to a meeting and had not become seated when a cannon ball came and took off my chin. I think Stoddard was with Burton when they came into camp. Saw Burton fire at Morris, but did not see the latter fall. Did not see Mr. Burton do any more shooting. Saw Morris, Banks, Mrs. Swanee and Mrs. Bowman lying dead. Cross-examined—I was fifteen years old then. I had been in a cellar, and came out when Burton entered, having heard that deliverance was at hand. Burton had about twenty men with him. When Morris came up, Burton shot at him; this was when Morris laid hold of Burton's horse. Mr. Burton fired three times. Did not see Morris fall, nor any one else shoot.

The defense stated that this woman's husband had written to Burton offering to keep her testimony out of the way if he would pay a sum of money as a compensation for her wound and subsequent ill-health. The prosecution objected to such testimony being received, and their objection was sustained, the defense excepting.

MRS. CAROLINE ELLISON

Was the next witness. Stated that she belonged to the Morrisites; remember the posse coming; did not go to the meeting called by the Morrisites. Saw Burton's men with a white flag; do not know whether they were armed or not; did not know Burton. I did not see Mrs. Bowman fall; no one was shot after her.

Cross-examined. Saw Morris come toward Burton; saw the former shot, but did not see any woman fired at; Burton fired so often that witness thought he had two pistols. When witness ran away he saw two dead women, Mrs. Swanee and Mrs. Bowman; the latter must have been shot in the head, as there was no blood anywhere else.

JOSEPH WARNER

Was then sworn; testified that he was in the Morrisite camp in June, 1862, which was surrounded by Burton's men. After the cannon ball was fired into the bowery we seized our arms. Saw Mrs. Bowman fall and am sure Burton killed her. Could not point out Mr. Burton in court. The witness created considerable merriment by his dissertations on religious subjects. His answers were so utterly intelligible that he was excused, and the court adjourned until 9:30 o'clock this morning.

FRIDAY, 21.

This morning the case was resumed.

MRS. EMMA JUST

Was sworn and testified as follows: Reside in Idaho; was with the Morrisites in 1862. Know Joseph Morris. Lived formerly near Ogden; recollect an attack on the Morrisite camp in June, 1862; gathered into the bowery at the bugle call; heard a revelation read just before the cannon ball came, and the people all scattered; witness' father dug a cellar under his house that night, where the family stayed until the third day, when they were told that deliverance was at hand. Two horsemen rode up, but witness did not know them; they were called Burton and Stoddard. Morris came towards the horsemen, and one commenced shooting, supposed it to be Burton; saw Morris shot and Mrs. Bowman; saw also Mrs. Swanee lying dead. Thinks there were two persons who did the shooting; is satisfied that the man who shot Morris also shot Mrs. Bowman; witness' father sat on Morris' body, and witness herself was taken prisoner, but soon went home. The Morrisites were unarmed; does not know if Burton's men were armed.

Cross-examined. Went to Snake River Valley about 8 years ago. Went to Soda Springs in 1863, married in Salt Lake in 1865; related the

different removals of the family; her mother is dead; father's name is Geo. Thompson; witness was 12 years old in 1862; lived almost in front of the school-house in the fort. Wm. Jones, the man who was in prison, lived next to witness; some of the Burton party were mixed up with the Morrisites when witness came out of the cellar; it seemed that all the prisoners were removed near the white flag. Burton and Stoddard had hold of witness' arm; pointed out Gen. Burton as one of the men; witness saw Morris killed and Mrs. Bowman killed; Geo. Richardson attempted to shoot witness' father, but the gun missed fire; the people thought none of their number who were faithful could be killed; witness did not believe Morris was killed, saw the wadding fly back from his clothes, and thought it was the bullets rebounding from him; considered him invulnerable, or that if he should be killed he would immediately be restored to life. Witness' mother and father went with her out of the cellar towards the school-house, and people from all directions came to that point; there were quite a number of people gathered there; did not see Joseph Morris at first; he stopped somewhere near the horses, and commenced to speak to his people; does not know what he said; Morris stood a little north and east from witness and between her and the horses; she stood about a rod from Morris when the shooting went on; went closer to his body when he fell; he did not move much immediately before the shooting; only remembers seeing one man on horseback; thinks, however, there were two or three; the one on a dark horse did the shooting; it was getting towards dusk at the time; Morris was quite close; the horseman nearest to witness shot Morris; perhaps ten shots were fired; two or three at Morris, who staggered a little and fell; noticed nothing particularly but the shooting and the fall of Morris; afterwards Mrs. Bowman stepped up and she was shot; would not know the man who did the shooting; saw another woman's body, in all, saw four bodies; Morris fell upon his back; witness' father sat upon his body and said, "Now kill me—I have nothing to live for;" after that he was taken away, and soon after witness was also taken away; witness did not know who the men on horseback were, but knew that Burton, who removed her as a prisoner, was one of them; this apparent contradiction was pointed out to the witness, who stated that things, by being talked over, came to her remembrance; some of these circumstances were talked over considerably of late by the witnesses; questioned by one of the jurors: the man on the dark horse shot both Jos. Morris and Mrs. Bowman, but witness did not know who it was. One of the men on horseback said, "Where's your prophet," or words to that effect.

DAN CAMOMILE

was sworn: Lives in the 7th Ward of this city. Took part in the Morrisite difficulty, was one of the posse under the command of R. T. Burton, marching he supposed under the orders of Judge Kinney. The prosecution desired to ask question as to what the object of the expedition was; as understood by the privates themselves. Such questions were stated by the court to be inadmissible, unless some direct communication was proved with the commander or accused person; arrived at the Morrisite camp in June 1862; about five or six hundred men composed the posse; one cannon was with the expedition; General Burton sent in a notice by a boy to the fort giving them 30 minutes to surrender; the cannon was fired in about 30 minutes after the boy left; there was continuous fighting for three days; the third day was Sunday, and a white flag was seen when the whole posse went into the fort; the posse stood in military order, four or five deep, between the Morrisites and their arms; there were probably 75 Morrisite men and the same number of women; witness stood in the front line and could plainly see the Morrisites; Mr. Burton rode up and inquired for Jos. Morris, Banks promised to send for him and he soon returned. Burton said "are you willing to give up and go to Salt Lake City?" Morris said "no," and then stepping aside, called his people who were for him and his God to follow him. Upon this Gen. Burton fired three or four shots at Morris, and Banks stepped

out, and I think Burton shot him; Mrs. Bowman came up and said, "you are a murderer," or something like that, and Burton said, "no person shall call me that and live," and then shot her—witness saw it done; did not see her fall; another woman came out and said she would die with her prophet, and either Burton or Stoddard shot her; did not remember the color of the horses that were ridden; the Morrisite men were taken prisoners; heard no orders on the journey what the posse were expected to do; did not remember either Burton or Stoddard dismounting.

Cross-examined—Came to Salt Lake in 1859, from Missouri; had charge of ten men and W. A. McMaster was captain of fifty in the militia, but on this trip there were new officers; the infantry, 300 in number, were under the command of Col. D. J. Ross; there was cavalry; gathered reinforcements all along the journey; at the Morrisite camp the posse numbered about 500; did not camp the first night in sight of the Morrisite camp; did detain some Morrisites captured near by in camp, so as to leave the fort unprepared and to make the surprise more complete; does not know who handed the paper asking for surrender to the boy; Burton's force entered about 4 o'clock in the afternoon; witness was among the first and was in before Burton entered; witness, with some twenty others was ordered to make a rush on a log cabin; does not remember any wall or slough in the neighborhood; saw a white flag inside the fort in an old man's hand; it was not carried out of the fort; believe Col. Ross saluted that flag; Gen. Burton was not there; spoke of moving breastwork, being made of willows and being pushed towards the fort; the posse immediately went into the fort after the white flag was displayed; I think Col. Ross was in our advance; witness was among the first to enter the fort; the Morrisite arms and ammunition were stacked upright, perhaps about seventy pieces; Jos. A. Young was there, serving as an aid to Burton, I think; Stoddard accompanied Burton, and in a few moments a large number of horsemen appeared; Burton had a bugler; saw him in the fort on horseback; did not remember which direction Burton came in; Banks stood near to Burton, and in a short time Morris came up; Burton said, "Will you give up and go to Salt Lake City?" I believe Banks said "No!" He stepped aside a few steps and said, "you who are for me and my God come this way." Do not remember Burton giving him permission to speak or asking him to speak to the people; Banks came towards Morris saying "I am with you and your God," Morris not then having fallen; almost immediately Banks also was shot, staggering away towards the school house. The woman came from the same direction as Morris and Banks did. She was on the other side of Burton—who was between the line of infantry and the Morrisite crowd; there was silence as soon as Burton's force came in.

Court adjourned till 2 p. m.

After recess, the witness:

DAN CAMOMILE

Was again put upon the stand, and testified as follows: I was one of the first to enter the fort, do not remember the names of any who stood next to me in the line; McMaster went in but I do not know whether before me; Col. Ross was over us and he stood near me at the head of the line; I saw him there after Burton came in; saw McMaster at the head of the column which was near the school house; do not know how long he stopped there. After a few more unimportant questions the witness was excused.

THOMAS WILLIAMS

Testified as follows: I now live in Ogden, and have done so since 1865. Was in the Morrisite fort in June, 1862 when it was attacked. We were called to the bowery by the bugle, and while there a cannon ball came, killing two women and wounding a third; we were told to defend ourselves, but having no gun, I hid; about sundown on Sunday a white flag was hoisted, and Burton's men came in; they were about five or six hundred in number; they formed in line between us and the stacked arms; Burton asked Morris to give himself up, and immediately commenced firing at