

Trial of Gen. R. T. Burton.

FRIDAY, Feb. 28, 9.30 a.m.

HANS O. HANSEN

Was re-called and further cross-examined: Came into the fort about the same time as the other men; the arms were two or three rods from the school-house; the men were ordered to proceed immediately to guard the arms. I presume they all went there; did not notice how much space they occupied, perhaps a rod or more; I stood near the southeast corner of the school-house and remained there until after the firing; Burton and the other horsemen stood south and east of me about a couple of rods; the Morrisites were about three rods from the school-house; Burton, Golding and Stoddard were riding together, the former a little ahead if anything, Croxall was a little behind; immediately after the shooting, the horses reared and turned to the east; Morris had moved about 10 or 12 feet or further when ordered to halt; he did not go very fast; last evening I am represented as having said he moved toward the west, I now wish to state that he moved toward the school-house; I am positive that he went toward the door of the school-house; the male portion of the Morrisites went toward the arms; Morris was coming toward Burton when he was shot; facing Burton; I afterwards saw that he was shot in the mouth; am positive I saw Burton shoot once, perhaps he shot twice; a few seconds after the shooting Morris fell; Stoddard fired the shot that struck Morris in the mouth, I think; I believe this shot came out at the back of his head; the Morrisite men made a rush toward the arms, the women directing their course toward Morris; I saw the woman shot, and I think she fell backward toward the west; the door was on the south side of the school-house, and I was about 20 feet distant; I saw arms brought out of the school-house by our men after the trouble; felt that there was very great danger, and that the Morrisites were about to possess themselves of their arms; did not see the Morrisites have in their possession either guns, pistols or swords; did not notice any straggling Morrisites come into the crowd; Morris was facing the east; immediately after firing, Gen. Burton's men came rushing in.

By a juror—Gen. Burton was a little ahead of the other three; Golding being a little behind Burton and Stoddard; Golding's horse was about three feet behind Burton's; Burton's faced the west, or a little south of west.

W. G. CHILD

Was the next witness: Live in Ogden; am engaged in mercantile business; in 1862 lived near Kingston Fort; I joined Gen. Burton's posse on the evening of the 12th of June, 1862; when Gen. Burton went into the fort I was behind the breastwork; saw a white flag; at the time the flag came out, I, with about 12 men, was behind this battery; four or five were armed, the others unarmed; I was armed; did not hear the conversation between Gen. Burton and the flag man; I saw Gen. Burton and Judson Stoddard and two other horsemen go into the fort; the former called for us to follow them in; there were about 12 of us, four or five men stopped by the arms, the others, I among them, went towards the school-house; the larger part of the Morrisites were to the east of the school-house; the guns which were not stacked were lying along the ground, extending about a rod; the first conversation I heard was from a man near the northeast part of the crowd, asking what was wanted; Gen. Burton stated he had a writ for the arrest of Joseph Morris and others, but that he felt it his duty to arrest all who had borne arms; after the privilege was granted for Morris to speak, he stepped in advance of Banks and the body of the crowd, and said, "all who are willing to follow me through life or death, come on;" some of his people called "yes," and some "amen," and made a general move towards the arms; we stepped forward; I put up my gun and said "stop;" when we stopped them Morris turned toward the door of the school-house; General Burton called "halt" twice, and "stop the prisoners;" he did not stop, and I saw him fall near the south-east corner of the schoolhouse; a woman fell near him, and I think before he did; do not know her name; she was heavy set, young and rather

small, fair complexioned; I saw nothing in her arms; I should judge six to eight shots were fired as close together as possible, being all fired in three or four seconds; when the woman fell she was twenty to twenty-five feet from Burton; those on horseback were six to ten feet apart; the horses were a little restless when they came in; it was a little before the firing we stopped the men starting toward the arms; after the firing we took them around the school-house to be guarded; I considered the situation perilous; and I thought they would get the guns in spite of us, and if they did there would be shooting. I saw Wm. Brown at the time of the rush of the Morrisites for their arms; do not remember saying anything to Brown at that time.

Cross-examination: I did not hear any Morrisites say why they had surrendered; the guard went immediately toward the stacked guns; perhaps four or five stayed with the arms; besides the mounted men there were 12 or 15 men; I moved away to hear what was going on; I stood north of the south-east corner of the school-house; Burton was right in front of me; he was looking toward the south-east; Stoddard stood a little west of Burton; I should think there was horseman between Burton and Stoddard; (Witness marked out a piece of paper in about the shape of the Morrisite crowd and placed it on the map about where he thought they stood) it was about two rods to the arms from the Morrisites; the man who spoke first did not step out of the crowd; when Morris made this remark he was facing Burton; afterwards he moved two or three steps north; then turned toward the school-house, and was turning in that direction when he was shot; when he was shot he was about 20 feet away from Burton; he fell backwards; I think or a little sideways; did not see Burton shoot Morris, but saw the latter fall; did not see the ball take effect; the whole body of the Morrisites made a start towards the arms; there were about 100 in the crowd; I should think there were others immediately behind Morris, men and women; I saw a woman fall near him; he stepped a little in front of Banks; the woman fell before Morris did and immediately behind him; the woman was about six feet from him; saw no one between the woman and Morris; I saw the woman fall first, Morris fell almost instantly afterwards; he was in a stooping posture; saw neither where Morris nor the woman was shot; saw no child in the woman's arms; I could have seen the stacked guns from where I stood; I knew three or four of those whom I stopped; this was at the time of the shooting; they insisted on passing but we held them back with some difficulty, some even passing us toward the arms; I was a little frightened, more frightened afterwards, however, than I was at the time; men soon came into the camp; perhaps fifty men came in.

By a juror—William Brown was not with me pushing back the Morrisites; I turned a little to see the shooting.

Re-direct.—All the men engaged in the moving battery were not armed; not half of those who accompanied Burton from the breastwork into the camp were armed.

Re-cross-examination—I think the woman fell backwards or nearly so.

E. A. WILLIAMS

Was next sworn and testified as follows: Live in Kaysville; was a member of Burton's posse in June, 1862; I was stationed, on Sunday, at the end of the west lane; saw Mr. Brown bring out a white flag; we had rolled the battery down toward the fort when I saw the flag come out; knew Messrs. Burton, Stoddard and Golding; saw another one go in with them, all on horseback; probably five or six went in ahead of me and five or six with me; there were men in there who were not Morrisites; altogether there were about 15 or 20 men; when we came in the Morrisites were still bringing in their arms; when I came in the horsemen were moving along slowly; I went right to the Morrisite crowd; the chart represents about my idea of the crowd; the horsemen stood southwest of me; I had just got in when Mr. Morris stepped out; I think Gen. Burton was speaking when I got near; then Mr. Morris stepped out and made a rush, the crowd following; I heard a cry from the crowd, "To arms;" I thought that they meant to get to

their arms; I cocked my gun and stood directly in front of one man; when Morris started first he went a little north, then turned toward the school-house; he made a few paces, when Gen. Burton called "Halt" a number of times and then said, "Stop those prisoners;" my attention was directed to the Morrisites who were crowding on to me; Morris and Burton were both in plain view; when Burton called "stop the prisoners," the Morrisites made a rush and got between my view of Burton and Morris; the firing was very rapid, no perceptible interval being between the shots; there was perfect silence after the shooting; I saw four bodies in a minute or two after the firing ceased, (witness described the position of the bodies) the women lay south of Morris, their bodies almost touching each other; did not know this woman's name; noticed no child near; the other woman lay a little further north; Banks was still further north; the latter woman looked the shorter and older of the two; I saw Gen. Burton on horseback; did not see him dismount in the fort; saw him several times on horseback; do not remember the color of the horses; Mr. Stoddard rode a black horse; the prisoners were formed in a line.

Cross-examination: Did not go in before the horsemen; I belonged to Robert W. Burton's company of ten men; he was from Kaysville; the men who went in did not exceed six in number; they preceded me; one man walked in with me; I was not ordered in; Gen. Burton called for ten men; six that I knew went there acting as a guard to the arms; there were more men in there; I went in for curiosity, anticipating no troubles saw no women in the crowd; got partly mixed up with the Morrisites when they crowded forward; I faced towards the Morrisites; but was forced backwards; one man was quite close to me, and was making a rush for the arms when I put up my gun and told him to stop; his name was Moss; he was unarmed; Mr. Stoddard and Mr. Burton were side by side; I think Mr. Golding had gone back; I was there a few seconds when Morris stepped out; my attention was directed to Messrs. Beesley and Blood, whom I saw guarding the stacked arms; I heard Burton say "halt" two or three times quite distinctly; Morris then stopped his northern direction and turned toward the schoolhouse; he was about a rod away from Burton; did not see where he was shot; the last I saw of Gen. Burton his horse was facing a very little west of south I think, nearly due south; heard as many as six shots fired; saw no women until I saw them on the ground; Morris was lying on his back, and the woman's body was almost parallel with his, and very close to it; the other lady was a little further northwest; the nearest one to Morris was rather inclined to be tall and slender, the other was rather shorter and stouter; noticed no blood on the faces; saw no children or babies there; did not know the ladies; knew Morris by sight very well.

Court took a recess until 2.30 p.m.

FRIDAY, Feb. 28, 2.30, p.m.

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 north west 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 as 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 where 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 do 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 were just 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 expect-