

JUDGE SPICER'S ADDRESS.

A Triangular Argument—John D. Lee a Moral Hero—His Victims Upon the Field—An Oratorical Boomerang.

Editorial & correspondence Tribune.

DEVER, July 30, 1875.

At the opening of the Court this morning, Mr. Wells Spicer, of counsel for defense, moved that the trial proceed no farther for the reason that this is not a legal term of court, Governor Woods having changed the term of holding court by proclamation from April to July. Motion overruled.

Mr. Spicer then began

HIS OPENING SPEECH TO THE JURY:

"Eighteen years ago to day," he said, quoting from District Attorney Carey's address, "a large emigrant train, richly laden with property, was wending its way across the continent in search of new homes in Southern California. So far," said the learned counsel, "I have followed the prosecution; but the prosecution has followed Mrs. Steinhouse too closely for me to continue with them longer. The emigrants were proceeding to California, a destination they were doomed never to reach." The speaker described the train as it has been shown in evidence. It consisted of upwards of one hundred people from the State of Arkansas, with twenty to thirty-one wagons and three to four yoke of oxen to each wagon. A herd of loose cattle was driven along. Having passed through all the settlements of Utah, these emigrants entered upon the desert which stretches between here and the Pacific coast; there all the company perished—men, women and children. Speaking of this terrible tragedy, he should not attempt to gloss over its enormity, but should agree with the prosecution in characterizing it as one unsurpassed in the world's history, in wantonness, treachery and cruelty. A tragedy which makes the heart sick to think of.

MEN, WOMEN AND CHILDREN SLAUGHTERED INDISCRIMINATELY.

Indians were there, although the butchers were not all Indians; while men also took a part with hearts as black as were ever carried by savages. Orders were given for the slaughter, and by an authority so dread and absolute that it compelled obedience. The speaker would not cast blame upon the Mormon Church for this unparalleled crime, because like every society that has existed since the world began, there are good and bad men who compose it. The speaker here drew a deeply affecting picture of an ideal Saint, who believes in the ever-lasting priesthood, asks no questions and attends strictly to his own business.

That bad men should seek communion with the Mormon Church, he thought in no way remarkable, being militant in a frontier country and surrounded by Indians. This exposure to peril—this life of daring and adventure, would naturally attract desperate men into the fold of the Church. The massacre at Mountain Meadows, the speaker believed, was perpetrated by two classes of white men. Some who took part in the butchery were solely prompted by the dictates of their own wicked hearts, men who never cast a glance forward to the time when the law would step in and avenge the lives they had sacrificed; others who obeyed instructions. The counsel here quoted Scripture to show that the people of Ai were slaughtered by the direct commandment of God. If the prosecution attributed this massacre to the same Almighty cause, the counsel for the prisoner would have a strange case to defend. The young mother with her babe at her breast.

SLAUGHTERED BY DIVINE COMMANDMENT.

He did not say these victims from Arkansas were put out of the way to appease Almighty wrath, but they were immolated by orders. When the jury think over this sickening deed of blood in all its revolting details, they cannot believe that American citizens—foremost in the world for their devotion to law and chivalrous regard for the sex—could be guilty of so fiendish a deed. To tear the babe from its mother's arms and wantonly murder both in cold blood, and this without conceivable motive, cannot be reconciled with our reason. There must have been some all-controlling cause, which impelled these men to step their souls in so inextinguishable a crime.

Not a scintilla of evidence has been adduced to show that John D. Lee raised his hand to slaughter a single individual. He was present at the scene, the speaker did not deny, but no one of the many victims was sent out of the world by any physical act of the prisoner. The people of the United States may hold him guilty of moral turpitude, but evidence can be produced to show to the eyes of all that he is guilty of no crime.

The speaker then gave the substance of Mrs. Steinhouse's narrative, and proceeded to repeat her statements. He showed (to the mind's eye, Horatio,) that the emigrants did not camp by the river Jordan, that they were treated well in every settlement they passed through, and were

ABUNDANTLY SUPPLIED WITH FOOD.

The emigrants outraged and insulted the inhabitants who had befriended them. There were bad and lawless men in the train—young fellows from the wilds of Arkansas, hunters and trappers, reckless in their conduct, and without regard for the rights of property. The better disposed amongst them endeavored to still this insubordination, a division arose between them and two Captains of the train were appointed. All the trouble that afterward overtook these emigrants was due to their own rash acts.

A STATE OF WAR EXISTED

in this country. Vast armies of the United States, commanded by a major general, were marching towards Utah. The people menaced with these approaching forces, had met in council and resolved to burn their homes and flee to the mountains, leaving a desolation as complete as at Moscow. It was necessary to carefully husband their supplies, yet the settlers sold freely to this train.

They arrived at Corn Creek and encamped, and here the serious trouble began which led to the total destruction of the train. (The reader will remember it was here they met George A. Smith returning north, who camped a few rods from their corral—their troubles dated from this encounter.) Here is the home of a large body of Indians, called the Pahvants, of whom Kanosh is chief. These aborigines raised corn and offered to sell some to the emigrants. The latter declined,

THEY HAD ABUNDANCE.

A collision occurred between the whites and an Indian. The speaker would cast no blame upon the emigrants, but he stated this as a positive fact, if they had not molested the savages, they could have passed through the Territory without molestation, as other trains before and since have done. It was nothing more nor less than an Indian massacre. Some whites took part in the butchery, but this was also the case at Deerfield, at Wyoming, and (if we read American history) every similar tragedy that stains our Colonial annals.

The speaker here took another and an entirely different chute. He referred to the suffocation of 123 British soldiers in the Black Hole at Calcutta. He could not give

the name of the tyrant who ordered the immolation, whether Nena Sahib or Hyder Ali. But while his agonizing captives fought and struggled for the vital air, and the guards placed over them were moved to tears at the sufferings, this despot slept serenely and at ease, and they durst not wake their master to tell him of the sufferings he had inflicted.

The speaker shadowed forth in indeterminate language a parallel between the Mormon chief and this somnolent Asiatic. The destruction of this train had been resolved upon, and the subject slavery to which the Prophet's followers were reduced, compelled the execution of this cruel mandate, and none durst appeal to him for clemency.

Putting in a good word for his client, then, the speaker referred to a dream unfolded to the prisoner which revealed the impending destruction of the emigrant train by a band of infuriated savages. The tender-hearted butcher believed the yarn, and frantically called for five men to rush out with him upon the field and avert the massacre. And when the fiendish set was in full headway, John D. Lee was the only man who lifted up his voice and went. From that hour the Indians call him *Tah-guts* (cry baby).

The counsel painted the prisoner as a moral hero. All his brethren upon the field were paralyzed with a dual fear; the Indians they regarded as dangerous allies,

AND THOSE DREAD ORDERS

demoralized them like a flanking fire. But Lee stood out like a man, protesting against the slaughter of the innocents, and he could only be induced to subside when Higbee pointed a rifle down his throat, and threatened serious damage to his corobellum.

The learned counsel spoke all the forenoon, and at recess seemed to have got about half way through his notes.

A sad tale tires us doubly when 'tis long, and your reporter had heard enough oratory for one day. He stayed home for a while and shut his eyes to keep them warm. Entering the court room at 3 p. m. he found the defense busy taking testimony. It seems that Lee's counsel were not best pleased with Mr. Spicer's triangular argument, making

ORDERS FROM THE FIRST PRESIDENCY

first responsible, then the advance of Johnson's army, and thirdly the suicidal folly of the emigrants in stirring up strife with the Indians. These irreverent lawyers called this opening speech

SPICER'S DOOMERANG.

and they feared the more he exhibited it at the enemy the more it would fly back and wound his own friends. So they begged him to give them a rest. At the re-assembling of court, Mr. Spicer read for about five minutes from a manuscript bearing on the character of W. W. Bishop, in which he adroitly took back all he had said in the morning, and left the gentlemen of the jury in a hapless state of mystification. I. L.