

THE LEE CASE.

The Material That Mormon Juries
Are Composed of,

The Tallest Old Liar in Southern
Utah.

The Whole Court Astounded At
the Revelations.

Some Things Which Look Passing
Strange to a Man Up a Tree.

Special Cor. Tribune.]

BEAVER, Sept. 11, 1876.

When the Second District Court convened this morning the room was full of saintly appearing spectators, including the One-Eyed Pirate. After the transaction of some business of minor importance, the Lee case was called, when the prosecution and defense both announced their readiness to proceed. The prisoner was brought into court, looking haggard and rather melancholy, doubtless the result of the reflection that the priesthood had sacrificed him to appease the wrath of the unregenerate Gentile courts, and to

SILENCE PUBLIC CLAMOR.

Counsel on both sides were ready and empanelling the jury at once commenced. Twelve jurors were called and examined as to their competency by Preble Denny, Esq., on the part of the prosecution. Four of the first panel were Gentiles, from Star district, in Beaver county, and all of these except one, possessed the necessary qualifications. He was challenged for cause—having formed such an opinion as would require evidence to remove—and set aside. His place was filled by a Mormon. The other three, Gentiles were peremptorily challenged by Lee's counsel (Spicer) and their places filled with Mormons. One after another, all but three of whom had never heard of the case, knew nothing of it, had neither formed nor expressed an opinion as to the guilt or innocence of Lee—or anybody else.

HOW A MORMON CAN SWEAR.

The following will show how a Mormon can swear for Christ's sake, when he has been instructed to do so by his priestly masters: Andrew Corray testified that he had lived in Cedar City twenty-two years; was a citizen of the United States, having been born in Illinois; had heard nothing of the facts in the case at the bar; had conversed with no one who professed to know the facts, nor with any witness or juror who appeared or served at the former trial of Lee, and had heard nothing of it; remembered the emigrant train when it passed through Cedar City; and had heard that they had been murdered, but no report which could be relied upon; nothing except rumors; knew all the defendants, Haight, Hiebec, Dame, Lee, Adair, Wilden, Jukes and the others, but unfortunately was not related to either of them by blood or marriage; was not at the former trial; knew Christopher Arthur, who testified at the last trial; had formed or expressed no opinion whatever as to the guilt or innocence of the defendant, Lee; had no conscientious scruples about finding a verdict where the punishment might be death, and finally could give a fair and impartial trial.

Mr. Corray is an intelligent juror. He would do for a Beecher case. He is six feet seven inches in his stockings, and higher old lying was never heard in a court room. He actually astonished the bishop himself.

ANOTHER INSTANCE OF GOOD SWEARING.

to keep on the jury, was Charles Adams. He had lived at Parowan twenty-four years; was a naturalized citizen; had never heard anything of the case against Lee or the other defendants; had conversed with none of them, was at Parowan when the massacre took place at Mountain Meadows, but knows no one who was there or took part in it; had read the news reports of the former trial, which, however, made no impression on his mind as to the defendant Lee; has not formed or expressed an opinion as to the guilt or innocence of Lee; is not related to any of the defendants; could give an honest verdict, and had no scruples about finding guilty where the punishment would be death.

This is the style of swearing the jurors did to get to serve, so anxious do the brethren seem to hang Lee for the purpose of clearing the Church.

Messrs. Wilsey, Walker and Horace A. Skinner are brethren, both of whom must be weak in the faith, for these gentlemen had both formed and expressed opinions as to Lee's guilt. It may be, however, that their honesty of opinion was only a part of the play, but if so, they were both unfully cast, as they are, compared with the other two, new residents, having lived in Beaver twelve and eighteen years respectively. When the twenty-fourth name had been called from the jury-box and passed, the jury was full—twelve Mormons—and District Attorney Howard startled the defendant's counsel by announcing that he would accept the jury as it stood. Everybody stared at his neighbor and asked if the Church of Jesus Christ of Latter-day Saints and the District Attorney had

ENTERED INTO A CONSPIRACY TO HANG LEE.

for appearance sake, or had the prosecution sold out?

The counsel agreed that the trial of the case might occupy a week's time, whereupon the court excused those persons not in the box for one week, and fixed court hours from 10 a. m. to 12:30; and from 2 to 4:30 p. m. The jury was turned over to sworn deputies, who were instructed to keep them excluded from all communication, and the court took a recess till 2 p. m.

STREET RUMORS.

On the street the wildest kind of conjectures were in circulation as to what the prosecution meant, but finally the conclusion became prevalent that Howard and the Saints had simply put up a job on Lee.

A STRANGE ARGUMENT.

When the court met in the afternoon, Mr. Howard presented to the jury the case for the prosecution in a brief but very able and eloquent speech of fifteen minutes. He read to them the indictment against Lee and the other assassins, to which a plea of not guilty had been entered by Lee. He said he intended to try this Lee; and on this trial he intended to try him only. He was in court to prosecute no other, no ecclesiast, simply Lee. This statement he made so that the jury might come to the truth at once. The butchery had been committed years ago, and the stigma of that crime had ever since rested on the whole people of Utah. The Court and the jury were bound by solemn oaths to do justice and place the responsibility of the massacre where it belonged. The question was, who did the deed? Mr. Howard reviewed the peculiar position which the Territorial authorities occupied in 1857 toward the General Government, and claimed that, owing to the martial law which Brigham Young, Governor, proclaimed at that time, emigrant trains were frequently detained, but that the train massacred at Mountain Meadows was stopped by John D. Lee on his own responsibility. He rehearsed the troubles between the emigrants and Indians, which he

all the trouble which the Indians made below Cedar City was instigated by Lee for the purpose of plunder. The council at Cedar City was held to see whether the emigrants could be held by Territorial authority. He reviewed the massacre, and claimed that he could prove that Lee killed four persons with his own hands—one woman and three men—besides being the base fiend who, by deep cunning, forced men into the murder who otherwise would not have been there.

THE DEFENCE.

Mr. W. W. Bishop, Lee's leading counsel, followed, but developed no line of defense, perhaps because the prosecution did not give him a chance. He fell to abusing Kluge-Smith, but Mr. Howard snubbed him up suddenly by announcing that that individual would not be placed upon the stand. Then the same harsh names he applied to all others whom the prosecution would have testify, declaring that no one save actual participants could tell anything, and they were unworthy of evidence. Mr. Bishop rambled around for twenty minutes and closed.

The prosecution asked that the further hearing go over until Friday, to allow the defense time to examine documentary evidence which he (Howard) desired to introduce to show that it was necessary in 1857, for the safety of the Territory, to stop emigrant trains.

BISHOP DAME.

A *nolle prosequere*, very unexpectedly to the defendant and everybody else, was entered in the case of Bishop Dame, against whom Mr. Howard says he has been unable, up to this stage of the game, to get any evidence of a competent character. J. O. Y.