

Bismarck Tribune.

VOL. 3.

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NO. 3

The Bismarck Tribune.

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TO SUBSCRIBERS.

Subscribers finding an X following their names
will understand that the term for which they
have paid their subscriptions will expire with the
next number, and unless the subscription is renewed
the paper will be discontinued. This rule applies to
all, and is adopted, not because we are afraid to
trust our subscribers, but because it is found to be
the plan most satisfactory to the general subscriber,
and more convenient for us.

Postmasters are authorized to act as our agents,
retaining a commission of 12 1/2 per cent.—or 25 cents
for each yearly subscription.

NOTES AND NEWS.

Lady Franklin is dead.
New potatoes sell in Yankton at 30 cts. a bushel.
Indian agent Forbes died at Fort Totten last week.
The Duluth machine shops are about to be rebuilt.
The Baltimore American has a \$60,000 libel suit
on its hands.
Mrs. Tilton has filed a suit for divorce from Sir
Marmaduke.
An exchange says Mullet builds in Cornithian and
swears in Gothic.
Gen. Adam Badeau succeeds J. Russell Jones as
minister at Brussels.
The Blue and the Gray united to do honor to the
memory of Frank Blair.
A Connecticut legislative committee has reported in
favor of women's suffrage.
Eighteen murders are reported in the Indian Ter-
ritory within the past sixty days.
South Carolina has secured judgment for \$75,000
against her defaulting treasurer.
Mrs. Nellie's progeny is called an international
baby. It was born at Long Branch.
London, with a population of 8,000,000, does not
owe one-half as much as Philadelphia.
A number of indictments have been found against
members of the whisky ring in St. Louis.
A bill of particulars has been granted on the de-
mand of the attorney of Wm. M. Tweed.
A Nebraska man has issued a prospectus for the
Black Hills Tribune. That is a good name.
Geo. N. Jackson, Deputy U. S. Collector at Louis-
ville, suicided last week. He was short \$45,000.
Gen. Winslow has been appointed Receiver of the
Burlington, Cedar Rapids & Minnesota railroad.
One hundred and thirty-two recruits were received
at Fort Randall for the 20th Infantry last week.
The Duluth region is suffering for want of rain, an
eight weeks' drought being complained of by the Har-
old.
Geo. D. Perkins is now the sole proprietor of the
Sioux City Journal, H. A. having gone to Des Moines
as State binder.
The editor of the Bismarck Tribune realized \$80
acres of land from the ticket he held in the St.
Cloud hotel enterprise.
Charles Douglas is now sole proprietor of the Su-
perior Times—Fryer, his former partner, having
been "frozen out" by the hard times.
Lt. Demmon, on duty at West Point, has been re-
lieved and ordered to join his regiment at its proper
station; Burgeon Alnoworth is also relieved.
J. D. Lee, one of the Mountain Meadow murder-
ers, has made a confession completely exonerating
Brigham Young from all complicity in the massacre.
Prof. Donaldson, a Journal reporter, was kept in a
balloon over Chicago one day last week, and was
about to have been swept into Lake Michigan by a
storm.
An attack of the Cheyenne leader, now in the
Black Hills, writes a friend to come on, and says he
and his party are taking out gold at the rate of \$12
per day each.
Col. Denton has gone to the Black Hills, with or-
ders to place on the east side of the Missouri all the
miners in the Black Hills. Col. Denton will have
his hands full.
A Bismarck boy, upon being promised five cents
by his mother if he would take a dose of castor oil,
induced the money, and told his parent that she
might castor oil in the street.
Since the poor success of the Irish Team in com-
petition with the American, it is stated that Tilton
thinks of hiring himself to them for a target. He
has nothing to do and must live.
James Fernon, a Sioux City boy, a lad of 16, was
bitten by a rattlesnake a few days ago. The reptile
fastened its fangs to the fore finger, and the last
tooth and arm and chopped it off just above the wound,
thus saving his life.
The Sioux and Crow are reported fighting on the
Little Rocky. A Lieutenant and nine men sent out
from Carroll in search of miles stampeded a few
days before, and it is feared something
serious has befallen them.
The postmaster at Steam, Iowa, was killed by a
flash of lightning from a cloudless sky a few days
ago. Every particle of clothing, including his boots,
was stripped from him, and a driver watch he had in
his pocket was completely melted.
Copy was out. The devil picked up a paper and
said: "Here's something about 'A Woman' may I
cut it out?" "No!" thundered the editor, "the first
disturbance ever created in the world was occasioned
by the devil fooling about a woman."
A Yankton dispatch says: Harvest will commence
this week and promises an abundant yield—fully 35
bushels per acre, or about 1,000,000 bushels in the
territory. This will be 150 bushels to each inhabit-
ant. Corn, oats, potatoes and other vegetables are
prospering.
Red Cloud, Spotted Tail, Lone Horn, The Man-
afraid-of-his-Horse, and all the rest of the red chiefs
are invited to attend a grand peace tournament at
Caldwell, Ohio, in September next, at which the
Blue and the Gray, the Norfolk Guards, New York
Seventh, and Maryland Fifth, together with noted
negroes, and many others are expected to be pres-
ent.
As a result of the council at Red Cloud on the 15th
the Rev. S. D. Hinman, of the special Sioux Com-
mission, telegraphs that an agreement has been made
with the Braves and Ogallalas to hold a general coun-
cil at Shadon Creek, midway between the Red Cloud
and Spotted Tail agencies, on the first of September.
Young Man-afraid-of-his-Horse has gone with fifty
of his best men to bring in the Northern Sioux. Red
Dog and others accompany the commission to the
Sioux to influence the Indians there.

THE MONTANA MURDERERS. The Circumstances Connected with the Escape of Shaffer—Sentence of Wheatly and Stears.

Below will be found the sentence of
Judge Wade in disposing of Wheatly
and Stears, the associates of Shaffer in
the murder of Franz Warl, near Helena
some months ago. Both of these men
are well known at Bismarck, Stears hav-
ing at one time worked in one of our
barber shops, while Wheatly was known
as a banjo picker in connection with
our dance houses. Shaffer, who was al-
so connected with the murder, escaped
and came to Bismarck where he was re-
cognized by several Montanians who re-
garded him as an innocent sort of a
fellow, some of them vouching for his
good character. After he had been here
a few days a man named Pierce came
here with a warrant for his arrest.
Whereupon he was arrested and thrown
into jail, and by the advice of parties
here Pierce was about taking him aboard
the boat to return him to Montana with-
out awaiting the proper papers; but in
this he was frustrated through the ac-
tion of the jailor, (who has since jump-
ed the country) who caused his arrest
for kidnapping. In this the jailor was
sustained by some of Shaffer's Montana
acquaintances and others, but Pierce
was discharged, and Shaffer was
again arrested and the hearing of his
case was set for 9 A. M. the next morn-
ing. At 7 A. M. Pierce took the train for
the east, and took the warrant with him,
leaving no one to appear against Shaf-
fer. The hearing came on about ten
o'clock, and as no one appeared against
him of course Shaffer was discharged,
but that afternoon telegrams came for
his arrest from the proper authorities at
Helena, and then every effort by our of-
ficers was put forth to re-arrest him.
The country was scoured for miles, a
Deputy was sent down the river to
Yankton, another to Fargo, and every-
thing done to repair the loss, but it was
too late; Shaffer had escaped, but has
since been arrested at Fort Garry, where
he is held for a requisition.
This much is due our city in explana-
tion, for our people have been misrepres-
ented and misunderstood in connection
with this case. The fault was in Pierce,
who was simply the agent of a Deputy.
He came here without credentials, and
manifested so little interest in the case,
particularly after being headed off in
his kidnapping efforts, as to create a
doubt in the minds of many in relation
to the propriety of holding Shaffer, and
it was not until telegrams came from
Helena directing that he be held at all
hazards that our authorities took hold
of this matter in good earnest, but it
was then too late. Had Pierce been true
to his trust, Shaffer's friends, or pals,
could not have secured his release.

WHEATLY'S SENTENCE.

William Wheatly, you may stand up.
At this term of the court the Grand
Jury found and presented an indict-
ment against you charging you with the
crime of murder, in killing Franz Warl.
Upon this charge you were arraigned
and tried before an impartial jury, de-
fended by able counsel, who left nothing
unsaid or undone in your behalf,
and a verdict of murder in the first de-
gree, as charged, was returned into
court.
You are now here for judgment and
sentence. Have you anything to say
why the same should not be pronounced?
Wheatly.—I have this to say: That
I am innocent of the murder of Franz
Warl, except as stated in my testimony
before the jury.
The verdict is the natural legitimate
result of the evidence in the case. From
the testimony the conclusion is irresisti-
ble, that you helped to murder Franz
Warl, as charged in the indictment and
as found by the jury, and with that ver-
dict I am satisfied. There is nothing in
the case upon which to rest even a sus-
picion of your innocence. Your own
testimony excludes every conclusion
but that of guilt, while the other proof
in the case is equally conclusive. Con-
victed by your own testimony, and over-
whelmingly convicted by the evidence
for the prosecution, the jury, regarding
their oath, the law and the proof, ren-
dered the only verdict possible in the
case.
The request of the jury, that your
sentence be commuted to imprisonment
for life, in consideration that your con-
fession revealed the perpetrators of the
crime, is a request that cannot be acted
on. Neither the Court, the Governor
nor any other authority under the law,
has the power to commute, nor is there
any reason why the sentence should be
commuted. You do not stand in any
position to ask it. Your so-called con-
fession is no confession at all. Your
statement was only intended to im-
plicate others, and to shield yourself. It
was the dictate of contemptible coward-
ice, and you hoped thereby to cause
Shaffer and Stears to suffer for the mur-

der that you were equally guilty of with
themselves, and to save yourself from the
consequences of your crime. And your
statement of your connection with the
crime is not true. Every circum-
stance in the case disproves it. That
you were present and saw Shaffer and
Stears murder Franz Warl, but that you
were there by compulsion, is the most
weak and transparent pretense ever set
up in a court of justice. Nothing but
your own wickedness and depravity
compelled your presence, and naught
but your own fiendish heart and the de-
vilish promptings thereof compelled your
strong arm to deal death to your victim,
as the testimony conclusively shows
that you did. And because you have
added the crime of perjury to that of
foul murder, should your sentence be
commuted? Not for any sorrow of the
bloody deed, or from any feeling of re-
pentance did you make any revelations,
but you hoped to cause Shaffer and
Stears to be hung for your crime and
their own, thereby to cause your own
escape, and you framed your statement
with this sole intention. Does this con-
duct entitle you to any considerations
of mercy? But if a commutation of the
sentence were proper, there is no power
under the law to cause it to take
place.

Actuated by my own feelings and un-
controlled by any other considerations,
if I had the power so to do, undoubtedly
I should yield to the dictates of sym-
pathy and save your life. But the ma-
jestic scale of justice must be held with
a firm steady hand. Sympathy for one
in distress must not blind us to the fact
that his bloody hand showed no mercy
to his innocent, unoffending victim.

The law says you must die, and the
law is supreme; it is strong and power-
ful; it moves slowly, calmly, and steady-
ly; it protects the rich and the poor;
the lonely cabin in the mountains, the
elegant home in the town, the unfortu-
nate and the weak as well as the strong
and powerful; its shield is over all, and
the court, the prosecuting attorney, the
sheriff, and the jury, are but the instru-
ments to assert and maintain its abso-
lute supremacy, to the end that human
life may be protected, liberty enjoyed,
and property made secure. This su-
premacacy of the law must be upheld and
maintained, let the consequences fall
where they may. The law administered
with a firm, steady, unyielding purpose,
to see its authority vindicated and re-
spected, is the only bulwark of safety.
All the hopes of civilization; all the
dearest interests of man; all the hopes
of progress and enlightenment, depend
upon the uniform and steady and cer-
tain enforcement of the law, and the
law in its majesty and power must be
vindicated; human life must be protect-
ed; murderers must be hung.

If you deplore the fate that has be-
fallen you, remember that it is because
of the law that was enacted that you
might enjoy your life in peace and safe-
ty; remember that this dismal ruin is
the consequence of your own act; re-
member that if you had kept away from
the dens of vice and crime, and had been
content to have earned an honest living
by honest labor, you might now have
been a respected citizen of this commu-
nity.

What your history was before your
arrival in this Territory, I know not;
but it could not have been in your favor,
for, seemingly by intuition, upon your
arrival here, you sought the society of
those whose inevitable destination is
debauchery and crime. You early grad-
uated in the school of infamy and vice,
and you have now reached the legiti-
mate end of the race.

You are near the close of an ill-spent
life. In this dread moment I can give
you no hope and no consolation. Re-
flect that life is eternal, and the time
for reformation is short. Sincerely do
I implore you to repent of your sins.
Seek the counsel of those holy men
whose office it is to point out the road to
salvation. May they cleanse your soul
and prepare it for great eternity.

Now, therefore, it is the sentence of
the court: That you, William Wheat-
ly, be removed from the court room, and
detained in close custody in the jail of
this county, and thence taken on Fri-
day, the thirteenth day of August, An-
no Domini one thousand eight hundred
and seventy-five, to the place fixed by
law for execution, and then and there
between the hours of eleven o'clock
A. M. and three o'clock P. M. of said day,
be hung by the neck until you are dead.
And may God have mercy on your soul.

SENTENCE OF STEARS.

William H. Stears, you may stand up.
The jurors of the Grand Jury at this
term of the court presented an indict-
ment charging you with the murder of
Franz Warl, late of the county of Lewis
and Clarke and Territory of Montana.
Upon this indictment you were arraigned
and pled not guilty. Thereupon able
counsel were assigned to make your
defense. A trial before an honest, im-

partial jury ensued. Nothing in your
behalf was left undone, and a verdict of
guilty, as charged in the indictment, of
murder in the first degree, was re-
turned into court. You are now at the
bar of the court for sentence. Have you
anything to say for your life; anything
to say why you should not be hanged
by the neck until dead, that your crime
may be punished and the law vindicated
and enforced?

Stears.—Nothing. Except a request
that you give me all the time you can.

With the verdict of the jury I am con-
tent. It is the inevitable, unavoidable
result of the evidence in the case. Franz
Warl is dead, and you, with delibera-
tion and malice, helped to kill him. Be-
lieving thus beyond a doubt, I go for-
ward unflinchingly to my duty. If life
to you is sweet, and you look forward
with terror and alarm to the dread hour
when it shall be taken from you, you
must remember the kind, unoffending
old man whom you so savagely murder-
ed; remember that to him the pleasures
of living an honest, useful life, serving
and obeying the commands of the God
whom he loved, brought with it joy and
bliss unspeakable; remember that he
was an honest man; that he earned his
bread by the sweat of his brow; that he
feared not to labor, and had, by his in-
dustry and toil accumulated a little for-
tune for those he loved; that he tres-
passed not on the rights of his fellow
men, and least of all had never injured
you; remember that he had friends far
away who even now are looking for his
return to the old home after a long ab-
sence in a foreign land; perhaps his
children are there, fondly waiting to
embrace and to bless him; perhaps the
wife of his youth and his love, is still
clinging to the hope that soon she will
see the father of her children and the
husband of her heart, and remembering
all this, behold the ruin your bloody
hand has wrought! Franz Warl is
dead. He to whom the Almighty
Lord gave an immortal soul, and a habi-
tation and a dwelling place upon this
earth of His, you have brutally and
wickedly murdered for his gold. The
hills and valleys that surround the hum-
ble home of your victim will never again
echo to the sound of his manly voice.
The two agonizing cries that he uttered,
when you with the fatal slung shot
fractured his skull, were his last. The
smoke curling from his cabin will no
longer admonish the passer by that he
lives. No more will he bring upon the
streets the products of his toil. He is
dead, and you killed him. This life, so
precious, so priceless, so sacred, given
and bestowed as the bounty of Love and
Omnipotence, to fulfill the designs of a
kind Providence, you, lost to every feel-
ing of humanity, disregarding every
dictate of right, reason and justice—
dead to every impulse of kindness, mer-
cy and honesty, and actuated only by
your fiendish love of money, have sav-
agely destroyed, and even now the blood
of your victim is dripping from your un-
holy hands.

For this crime you must die. Human
life is not secure and safe while you live.
You have forfeited your right to life and
must suffer the penalty that a wise and
just law affixes to your crime. And it is
better thus. The remembrance of your
crime would render all your future life
a living agony, where the pricks and
stings of an upbraiding conscience would
be the gnawing of the worm that never
dies. With this terrible burden resting
on your soul, haunting the hours when
you wake and when you sleep, polluting
the very air you breathe, burdening ev-
ery breath, giving you not a moment's
peace or rest, rendering every joy a de-
solation, listening ever to the pitiful cry
of your victim, hearing it ever in the
light of day and darkness of night, be-
ing reminded of it by every sound, hear-
ing it in the air when all else was still,
and as each recurring day brought with
it the hour when the fatal deed was
done, recalling more vividly than ever
the form and the pleading features of
him you so wickedly murdered, you
would soon welcome death as a happy
deliverance from the terrors of a life
that could no longer be endured. There
is no rest for the wicked; there is no
peace for the murderer. If the law fails
to administer justice for the crime, the
criminal himself will be his own execu-
tioner. Self destruction is often the si-
lent confession of murder. And so it is
better that you die, and thereby escape
the agony of life, for in the wise econ-
omy of Providence if you could live to
ripe old age, you could never live anoth-
er happy moment. It is better that you
answer the demands of the law than to
die to satisfy your own conscience.

What adverse circumstances have so
surrounded your life as to bring upon
you this overshadowing ruin, I cannot
conjecture. Dark and dismal must have
been your pathway. Terrible indeed
must be the road that leads to murder,
and it is only reached by slow approach-
es. There is a regular progression in
crime. Idleness, intemperance, and a

desire to get money without honest la-
bor, must have been the commencement
of your career, and where you now stand
is the legitimate end. Your one year
of life in this city has but illustrated
this truth. You have spent your time
and your money at the gaming table, at
the vestibule to the temple of crime, and
the insatiable greed for money engendered
there has led you on to murder.
In this awful moment I know not how
to comfort or to console you. I can
give you no hope. You must die, and I
can only bid you to hasten and repent
of your sins, and to implore a God of
mercy to forgive you.

It only remains for me to pronounce
the dread sentence that inexorable law
and even handed justice demands. On-
ly the infinite Lord knows how gladly
I would escape the responsibility of ut-
tering these fatal words. But duty com-
mands, and though the hardest task of
my life, I unflinchingly obey. Now,
therefore the sentence of the court is:

That you, William H. Stears, alias
"Red," be removed from the court room
and detained in close custody in the jail
of this county, and thence taken on Fri-
day, the thirteenth day of August, An-
no Domini, one thousand eight hundred
and seventy-five, to the place fixed by
law for execution, and then and there,
between the hours of 11 o'clock A. M.,
and 3 o'clock P. M. of said day, be hung
by the neck until you are dead. And
may God in His infinite goodness have
mercy on your soul.

Wheat brought \$1.15 in St. Paul on
the 23d inst.

Isaac M. Singer, of sewing machine
fame, is dead.

Damaging floods are reported in Vir-
ginia, Ohio and Kentucky.

Fifty-two Milwaukee crooked whisky
dealers have been indicted.

The Mormons have packed the jury,
it is stated, for the trial of J. D. Lee.

The Manitoba, recently sunk on the
Red River, is making regular trips
again.

The convention of bankers resolved
in favor of immediate resumption of
payments.

Simeon Randall, of Eau Claire, Wis.,
was accidentally shot by some boys on
Wednesday last.

Gordon has been sent from the guard
house at Camp Sheridan to Omaha on
a writ of habeas corpus.

The leading Liberal Republicans of
New York show a disposition to return
to the Republican fold. Sensible.

In a family feud near Montgomery,
Ala., resulting in a fight, five men were
killed and one seriously wounded.

Another Peshtigo affair was feared at
Superior, Wis., a few days ago. The
woods were in flames for many miles.

The daily papers are unusually full
with accounts of murders, rapes, lynch-
ing, &c., but a dearth of other news ex-
ists.

John McNamara died alone in a drunk-
en fit, near Jackson, Nebraska, a few
days ago, and his body was half eaten
by hogs before discovered.

The Moorhead Star nominates S. G.
Comstock for representative, and claims
to be backed by the unanimous voice of
the voters of that county. What does
Finkle say?

It is stated that a strong and well
equipped body of Unkpapas are on the
war path in the Black Hills, and in two
engagements killed 7 miners in one and
3 in the other.]

G. G. Sanborn, General Ticket Agent
of the N. P. R. R., has been appointed
General Superintendent of the Nashua,
Acton & Boston R. R., with headquar-
ters at Nashua, N. H., his boyhood
home.

A gentleman who arrived at Omaha
from Cheyenne on Sunday says ninety
ounces of gold were brought into that
place on Saturday from the Black Hills
by two men. Letters confirming the
statement have since been received in
Omaha.

Secretary Bristow decides that an
alien cannot under any circumstances
be licensed as master of an American
vessel, but he may be licensed as an
engineer or pilot provided he has an-
nounced his intention to become a citi-
zen of the United States.

The substance of John D. Lee's con-
fession is that thirty Mormons with
the assistance of a large number of In-
dians decamped the emigrants from their
entrenchments by a flag of truce; that
all were murdered except 17 children;
that the deed was done under orders
from the leader of the Mormon church;
that he took the news of the massacre
to Brigham Young, who deplored the
transaction, and said it would bring
disaster on the Mormon people. The
statement of Lee, so far as known, only
confirms the previous reports of the
massacre.