

John D. Lee, Second Trial

Preliminary Material  
and  
Daniel H. Wells, Laban Morrill, and  
James Haslam Testimonies



**RT**

**MU**

**BT**

**PS**

<p>DISTRICT OF THE TERRITORY OF UTAH. COUNTY OF BEAVER. THE PEOPLE OF THE TERRITORY OF UTAH. VS JOHN D. LEE, WILLIAM H. DAME, ISAAC C. HAIGHT, ET AL. INDICTMENT FOR MURDER, SEPTEMBER 16TH, 1857. .: HELD IN THE COURT ROOM OF SAID COURT IN BEAVER CITY, UTAH.:</p> <p>THURSDAY, SEPTEMBER 14TH 1876.</p> <p>JURY WAS EMPANELLED AND SWORN TO TRY THE CASE, AFTER WHICH THE COURT ADJOURNED UNTIL TOMORROW MORNING THE FIFTEENTH.</p> <p>FRIDAY MORNING, SEPTEMBER 15TH 1876.</p> <p>COURT MET AS</p>		<p>DISTRICT OF THE TERRITORY OF UTAH. (<b>BOOK 1</b>)</p> <p>PEOPLE OF THE TERRITORY OF UTAH, VS. JOHN D. LEE. TESTIMONY IN THE ABOVE ENTITLED CASE.</p>	<p>PEOPLE AGAINST LEE 2</p>
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**RT**

**MU**

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**PS**

<p>PER ADJOURNMENT, HON. JACOB S. BOREMAN,  PRESIDING. SUMMER HOWARD UNITED STATES ATTORNEY; PRESLEY DENNY, DEPUTY UNITED STATES ATTORNEY, JAMES R. WILKINS CLERK, JOHN D. LEE THE DEFENDANT ON TRIAL WITH HIS ATTORNEYS WELLS SPICER, J.C. FOSTER, AND WILLIAM W. BISHOP; WILLIAM NELSON, UNITED STATES MARSHAL WITH HIS DEPUTIES WILLIAM STOKES, FRANKLIN BROWN AND EDWARD KEISEL.</p> <p>ALL PARTIES HAVING ANNOUNCED THEMSELVES READY FOR</p>		<p>HON. J.S. BOREMAN, JUDGE. <b>PRESIDING.</b> SUMNER HOWARD, U.S.</p> <p>ATTORNEY, AND PRESSLEY DENNEY ASSISTANT U.S. ATTORNEY. <b>FOR PROSECUTION</b></p> <p>WELLS SPICER, J. C. FOSTER AND WILLIAM W. BISHOP,</p> <p>ATTORNEYS FOR DEFENDANT THE JURY HAVING BEEN EMPANENELED</p>	
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**RT**

**MU**

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**PS**

<p>TRIAL THE FOLLOWING PROCEEDINGS WERE HAD. CLERK WILKINS READ THE INDICTMENT TO LEE, IMPLEADED WITH OTHERS, TO THE <sup>12</sup> JURY, AND STATED THE PLEA MADE BY THE DEFENDANT IN THE FORMER TRIAL, OF NOT GUILTY. SUMNER HOWARD STATED THE CASE TO THE JURY ON BEHALF OF THE PEOPLE, AND WHAT HE EXPECTED TO PROVE IN THE PRESENT TRIAL. WILLIAM W. BISHOP STATED THE CASE FOR THE DEFENDANT, AND WHAT HE EXPECTED TO PROVE IN BEHALF OF THE DEFENDANT AT THIS TRIAL. ON MOTION OF SUMNER HOWARD THE COURT APPOINTED A.S. PATTERSON ESQ.,</p>		<p>THE CLERK READ THE INDICTMENT..</p> <p>HOWARD MAKES STATEMENT OF THE CSASE TO THE JURY ON THE PART OF THE PROSECUTION.</p> <p>BISHOP MAKES STATEMENT TO <b>JURY</b> ON BEHALF OF THE DEFENDANT.</p>	
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**RT**

**MU**

**BT**

**PS**

<p>AS OFFICIAL COURT REPORTER IN THE TRIAL OF THIS CAUSE, WHEN MR. HOWARD SAID: IF THE COURT PLEASE, I NOW PROPOSE TO OFFER IN EVIDENCE THE DEPOSITION OF BRIGHAM YOUNG. ∴ WHICH WAS OFFERED IN THE FORMER TRIAL AND FILED BUT NOT ACCEPTED BY THE COURT ∴. ALSO THE AFFIDAVIT OF G.A.SMITH ∴. WHICH WAS ALSO FILED AND ALSO REFUSED BY THE COURT TO BE READ IN EVIDENCE IN THE FIRST TRIAL</p>		<p>HOWARD: THERE ARE SEVERAL PAPERS WE AGREE TO ADMIT TO HAVE USED AS EVIDENCE IN THIS CASE.</p> <p>THERE IS ONE</p>	<p><sup>[[1]]646</sup> THERE ARE SEVERAL PAPERS WE AGREE TO ADMIT TO HAVE USED AS EVIDENCE IN THIS CASE [space] HE PASSED THEM OVER TO THE COURT THERE IS BUT ONE</p>
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646. There are two lines in the margin of this page.

**RT**

**MU**

**BT**

**PS**

<p>∴ I NOW ALSO OFFER A LETTER, WRITTEN BY JOHN D. LEE TO  BRIGHAM YOUNG,</p>		<p>ORIGINAL DOCUMENT</p> <p>AMONG THE PAP[ERS] THAT WØILL HAVE TO BE SUPPLEMENTED BY PROOF OF THE HAND WRITING, UNLESS IT IS ADMITTED. BISHOP: WE ADMIT THE HAND-WRITING UNDER THE REPORT TO JOHN D. LEE, WITH THE UNDERSTANDING THAT IT MAY BE USED BY EITHER PARTY — <del>WE</del>ITHER SIDE OF THE CASE.</p> <p>HOWARD; THE REPORT OF JOHN D. LEE TO GOVERNOR BRIGHAM YOUNG, DATED NOV. 20TH, 1857; AND THE CLERK WILL PLEASE MARK THEM AND ATBTHE SAME TIME MAKE A MEMORANDUM THAT THE SIGNATURE OF JOHN D. LEE IS</p>	<p>ORIGINAL DOCUMENT <del>IN</del> <del>THEM YOUR</del> AMONG THE PAPERS THAT DOCUMENT WILL HAVE TO SUPPLEMENT <del>ITS</del> <del>ADMISSION</del> BY PROOF OF THE HANDWRITING UNLESS IT IS ADMITTED. [space] BISHOP WE ADMIT THE HAND WRITING IN THE REPORT OF JOHN D. LEE. WITH THE UNDERSTANDING THAT IT MAY BE BROUGHT UP &lt;ON EITHER&gt; SIDE OF THE CASE BY <del>EITHER PARTY</del> [space] PR[?] NUMBER 1 THE REPORT OF JOHN D. LEE TO GOVERNOR BRIGHAM YOUNG DATED NOV 20 1857. THE CLERK WILL PLEASE MARK THEM AND AT THE SAME TIME MAKE A MEMORANDUM THAT THE SIGNATURE OF JOHN D. LEE IS</p>
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**RT**

**MU**

**BT**

**PS**

<p>ALSO THE REPORT OF BRIGHAM YOUNG TO THE DEPARTMENT OF INDIAN AFFAIRS,</p> <p>ANS ALSO THE PROCLAMATION OF BRIGHAM YOUNG THEN GOVERNOR AT THE TIME, OF THIS TERRITORY.</p>		<p>ADMITTED. SECOND—THE LETTER OF GRIGHAM YOUNG TO THE HON. JAMES W. DENVER, COMMISSIONER <del>TO</del> OF INDIAN AFFAIRS, DATED SEPTEMBER, 12TH, 1857. THIRD—SAME TO THE SAME, DATED JANUARY, 6TH, 1857. FOURTH — PROCLAMATION <sup>[2]</sup> OF GOVERNOR YOUNG,</p> <p>DATED SEPTEMBER, 15TH, 1857. FIFTH —AFFIDAVIT OF BRIGHAM YOUNG, DATED JULY 30TH, 1876. SIXTH— AFFIDAVIT OF GEORGE A. SMITH, DATED JULY307TH, 1876. SEVENTH — LETTER OF GOV, YOUNG <del>Y</del>TO COL. WILLIAM H. DAME, DATED SEPTEMBER</p>	<p>ADMITTED [<i>space</i>] 2 LETTER OF BRIGHAM YOUNG TO THE HONORABLE JAMES W DENVER COMMISSIONER OF INDIAN 3 AFFAIRS DATED SEPTEMBER 12/57</p> <p>SAME TO THE SAME DATED JANUARY 6/58 (4) PROCLAMATION OF GOVERNOR YOUNG</p> <p>DATED SEPTEMBER 15 1857 [<i>space</i>] 5 AFFIDAVIT OF BRIGHAM YOUNG DATED JULY 30/1876 [<i>space</i>] 6 AFFIDAVIT OF GEORGE A SMITH DATED JULY 30/1876 [<i>space</i>] 7 LETTER OF GOVERNOR YOUNG TO COLONEL WILLIAM H DAME DATED SEPTEMBER 14</p>
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**RT**

**MU**

**BT**

**PS**

<p>THESE PAPERS HAVE BEEN SUBMITTED TO THE ATTORNEYS FOR THE DEFENSE,AND THEY HAVE CONSENTED TO THEIR INTRODUCTION AS EVIDENCE IN THIS CASE. I NOW FILE THEM, AND PLACE THEM IN EVIDENCE TO SAVE TIME. BISHOP: MAY IT PLEASE YOUR HONOR, WHILE WE DENY THAT THESE DOCUMENTS ARE LEGAL EVIDENCE OF THE FACT IN THE INDICTMENT AS CHARGED, WE STILL CONSENT TO THE SAME BEING INTRODUCED, BECAUSE IN THE FORMER TRIAL WE CAME NEAR BEING PLACED IN JAIL FOR OFFERING THE SAME PAPERS, ESPECIALLY <sup>[3]</sup> THE DEPOSITION OF BRIGHAM YOUNG, AND</p>		14TH, 1857. MR.	1857
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**RT**

**MU**

**BT**

**PS**

<p>THE AFFIDAVIT OF GEORGE A. SMITH, AS EVIDENCE AT THE FORMER TRIAL OF THIS DEFENDANT. WE WISH TO SEE TO WHAT LENGTH THE PROSECUTION WILL GO IN THIS COURT TO CONVICT THE DEFENDANT ON TRIAL BY LAW OR WITHOUT LAW. OUR OPINIONS, AS LAWYERS, WERE AGAINST THE ADMISSION OF THIS EVIDENCE, BUT OUR CLIENT INSISTS THAT THE EVIDENCE SHALL BE ADMITTED, CONTRARY TO OUR BEST JUDGMENT, WE HAVE CONSENTED. LET THE EVIDENCE GO IN, AND WITH IT ALL BESIDES, THAT THE AUTHORITIES OF THE CHURCH AT SALT LAKE CITY HAVE ON EARTH FOR THE PERUSAL OF OUR BROTHER</p>			
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**RT**

**MU**

**BT**

**PS**

<p>HOWARD. WE KNOW WE ARE FIGHTING THE INDICTMENT AND ALSO THE SECRET FORCES AND POWERS OF THE MORMON CHURCH. MR. HOWARD THEN INTRODUCED THE FOLLOWING DOCUMENTARY EVIDENCE. <i>[RT pages 3 to 27 contain typescripts of the aforementioned documents. Transcripts of those original documents can be found in MMMCLP, chapter 36, "Documents Introduced into Evidence for John D. Lee's Second Trial."]</i></p>		<p>SPICER MOVES TO HAVE THE WITNESSES EXCEPT THE ONE ON THE STAND, EXCLUDED FROM THE COURT ROOM DURING THE TRIAL;</p>	
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**PS**

<sup>[[2]]</sup><sup>647</sup> SPICER WELL YOUR HONOR? IF WE ~~MAKE A LIST~~ CALL THE WITNESSES HAVE THEM SWORN AND EXCLUDED COURT: WE'LL REQUIRE THE WITNESSES TO BE KEPT OUT OF THE COURT ROOM. [space] OBJECTED TO CALLING THE NAMES OF OUR WITNESSES [space] ALL THE WITNESSES TO BE KEPT OUT OF COURT IF ANY OF OUR WITNESSES FAIL THAT THEY DO IT AT THE EXPENSE OF THE PENALTY OF BEING EXCLUDED AS A WITNESSES. [space]<sup>648</sup> BISHOP WE HAVE A RIGHT BY THE PRACTICE IN ALL COURTS WHERE I PRACTICE [space] THE FIRST TIME I EVER WAS IN THE PROSECUTION OF A CRIMINAL CASE THAT THERE WAS ANY OBJECTION TO THE CALLING OF EVERY WITNESSES WHOSE ~~WAS~~ PRESENCE COULD BE OBTAINED THEN INSTRUCTED BY THE COURT AND PLACED UNDER THE RULE [space] THE OBJECT OF THAT RULE IS AS MUCH AS THEY SHALL NOT CONVERSE WITH EACH OTHER ABOUT WHAT THEY HAVE TESTIFIED TO IS THAT THEY SHALL NOT HEAR THE TESTIMONY GIVEN. NOW IT IS POSSIBLE FOR A PERSON TO COMMIT A *TM*[?] BY TALKING WITH WITNESSES ONLY AS THEY HAVE BEEN PLACES UNDER THIS RULE ONLY AS HE CONSIDERED THE OPPORTUNITY OF UNIFYING THEM THAT IT WILL BE WRONG FOR THEM TO CONVERSE WITH EACH OTHER. CONSEQUENTLY WE CLAIM WE HAVE A RIGHT TO PLACE THE OFFICERS OF THE PROSECUTION UNDER THIS RULE WE HAVE A RIGHT TO KNOW WHO THEY ARE THAT WE MAY WATCH THEM SO THAT THEY DO NOT COME INTO COURT ROOM AND IF WE FIND THEM CONVERSING WITH EACH OTHER IN REGARD WHAT TESTIMONY THAT HAS BEEN GIVEN ON THE STAND THAT WE MAY *FIND*[?] THEY HAVE TOLD THE OTHERS IN IN SPITE OF HIS IN *COMPELLING*[?] THE COURT SAY THAT WITNESSES SHALL NOT TALK BECAUSE THAT IS THE GENERAL PRESUMPTION BUT THERE IS NO WAY TO COMPEL IT UNLESS THEY ARE NUMBERED <sup>[[3]]</sup> HERE A REASON OF THE RULE IS SUFFICIENT ANSWER TO OUR APPLICATION SUFFICIENT *ATTENTION*[?] FOR OUR DEMAND THAT THEY MAY BE PLACED UNDER THE RULE THAT THEY MAY BE NOTIFIED BY THE COURT [space] DEMAND THEREFORE AND THAT WE MAY HAVE A FAIR CHANCE IN THIS CASE. THEREFORE I ASK YOUR HONOR THAT THE WITNESSES FOR THE PROSECUTION IN THIS INSTANCE BE TREATED AS ALL WITNESSES HAVE BEEN HERETOFORE IN THIS COURT THOSE THAT ARE IN ATTENDANCE BE CALLED IF FOUND BE SWORN AND PLACED UNDER THE RULE *TH*[?] THE HEARING THE OTHER WITNESSES AND INSTRUCTED BY YOUR HONOR THAT THEY ARE NOT TO CONVERSE WITH EACH OTHER UP TO THE THEY ARE TO TESTIFY. THAT THEY MAY COME UPON THIS STAND AND TESTIFY FROM THEIR OWN RECOLLECTION AND NOT FROM WITNESSES WHO HAVE JUST LEFT THE STAND. HOWARD ~~JURY~~<sup>649</sup> THIS IS THE QUESTION INTRODUCED *BEARING*[?] AND TO THE DECISION THAT MAY BE MADE UPON IT IS BUT IMPOSSIBLE IN A TRIAL OF

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647. Large, dark \* in left margin.

648. Rogerson's hand symbol in left margin of next three lines.

649. There is a longhand phrase that is thoroughly crossed out; it is illegible except for the last word: **JURY**.

CRIMINAL CASES *A MATTER OF JUSTICE*[?] WE'LL OCCUPY[?] IT  
*DISTANCES*[?] AND IT IS TO LEAVE TO AN OPEN QUESTION I TOOK THE  
POSITION AND I TYPED MY *PRM*[?] BUT *WHEN*[?] IT IS A RULE OF LAW THAT  
AUTHORIZES THE COURT TO PUT WITNESSES FOR THE PARTIES WHERE  
THEY SHALL NOT CONVERSE WITH EACH OTHER THERE IS NO RULE OF  
LAW OR OF *PRACTICE*[?] AUTHORIZING THIS COURT OR ANY OTHER COURT  
TO MAKE PROVISIONS TO WITNESSES TO PRESUME IN ADVANCE THAT  
WITNESSES ARE MEN WHO MUST BE KEPT UNDER THE SURVEILLANCE OF  
THE COURT AND WHOSE MOUTHS MUST BE CLOSED BY THE ORDER OF  
THE COURT AND WHOSE EARS MUST BE STOPPED BY SUCH ORDER [*space*]  
THE PRESUMPTION IS <sup>[[4]]</sup> THAT WITNESSES WHO HAVE ANY INTEREST IN  
THE CASE WHO ARE BROUGHT UP IN THE COMMUNITY TO A DEGREE ARE  
MEN OF HONOR AND OF INTEGRITY AND MEN WHO KNOWN TO BE SHALL  
BE AND TREATED AS CRIMINAL AND GIVE ME EXPLANATION SHALL  
*AT/IT*[?] ONCE BE *THRN/THREATENED*[?] ~ I ASK THAT POSITION I DEFY THE  
INTRODUCTION OF ANY AUTHORITY AGAINST IT NOW TO APPLICATION OF  
THE RULE [*space*] ~~IS NOT~~ IS SIMPLY THIS THE PROPOSITION IS SIMPLY THIS  
THAT WITNESSES WHO HAVE NOT YET BEEN CALLED AND SWORN SHALL  
NOT HERE WHAT IS BEING SAID BY THE WITNESSES WHO ARE IN  
ADVANCE OF THEM THAT WHEN A WITNESS IS ON THE STAND TESTIFYING  
THAT THOSE *ATTEND/TEND*[?] SAME AS THEY WHO ARE TO BE CALLED  
AND THE SAME CONSIDERATION [*space*] SHOULD BE EXCLUDED BEYOND  
HIS HEARING AND *UNDER*[?] THE ONLY PENALTY I HAVE EVER KNOWN  
[*space*] ~ [*space*] THAT IF WITNESSES DISPUTE THERE UPON EVIDENCE OF  
THE PARTY CALLING THEM OR FROM THEIR OWN NECESSITY TO BE  
PRESENT [*space*] THEIR TESTIMONY WOULD BE EXCLUDED AND THEY  
WOULD *BE PARTY*[?] TO BE PERMITTED TO BE SWORN WE ASK THE  
APPLICATION OF THE RULE IN THIS CASE AS IT HAS BEEN APPLIED FROM  
TIME IMMEMORIAL WE ASK SIMPLY THAT YOUR HONOR MAKE AN ORDER  
THAT THE WITNESSES SHOULD ALL BE CALLED BY THE PROSECUTION  
AND BY THE DEFENSE WE ARE NOT PARTICULAR TO OUR WITNESSES WE  
ARE NOT PARTICULAR TO THEIR WITNESSES WE WOULD  
*SNTR/SNTHR/SNDR*[?] THEY WOULD COME HERE AND HEAR EVERY *RULE*[?]  
THAT THE WITNESSES ARE TO BE EXCLUDED THAT YOUR HONOR MAKE  
AN ORDER OF ALL THE WITNESSES TO BE SUBPOENAED APPEAR BY THE  
PROSECUTION AND DEFENSE [*space*] SHALL LEAVE THE ROOM <sup>[[5]]</sup> TO COME  
WHEN THEIR NAMES ARE CALLED [*space*] NOW THERE ARE SEVERAL  
REASONS WHY WE SHOULD NOT BE REQUIRED TO CALL THE NAMES OF  
OUR WITNESSES AND I SHALL ~~M~~ [*space*] *MAY OPPORTUNE*[?] HERE TO  
*EXPLAIN/UNDERSTAND*[?] YOU MAKE ANY REFLECTION IN THE FIRST  
PLACE [*space*] THERE HAS BEEN IN THIS CASE FROM THE BEGINNING TO  
THE END ON THE PART OF THE OF THE FRIENDS OF JOHN D. LEE AN  
EFFORT TO TAMPER WITH WITNESSES THAT I NEVER SAW EQUAL IN ANY  
CASE OR ANY COURT FRIENDS NEWSPAPER ARTICLES AND EVERYTHING  
THAT COULD BE URGED HAVE BEEN THRUST IN THE FACE AND EYES OF  
WITNESSES FOR THE PURPOSE OF EXCITING THEIR PREJUDICE AND

MAKING THEM [space] COURT: † YOU BETTER NOT STATE THAT BEFORE THE JURY [space] WHILE I *QUESTION*[?] COUNSEL YET I SAY THAT IT IS NOT DESIRABLE THAT THEY SHOULD BE FURNISHED WITH A LIST OF OUR WITNESSES WHEN THE FACT IS APPARENT THAT THE ONLY OBJECT [space] IS TO ENABLE OUTSIDERS IF THEY DESIRE TO TO APPROACH THOSE WITNESSES OPPORTUNE THOSE WITNESSES TAMPER WITH THEM OR DO SOMETHING THAT THEY DARE NOT DO IN THE FACE OF THE COURT [space] IF IT COULD BE ACCOMPLISHED THAT IS A POSSIBLE RESULT OF THE COURT MAKING ORDER ASK FOR ALL THE EVIDENCE AS THAT NOTHING ELSE TO BE ACCOMPLISHED COUNSEL [space] IF THEY HAVE THEIR NAMES THAT ARE NOT HERE THAT WITNESSES THAT NEED WATCHING THAT ARE NOT HERE ANOTHER THAT WITNESSES COULD WELL DISOBEY AN ORDER OF THE COURT [space] THERE IS NO PRESUMPTION IN ADVANCE THAT OUR WITNESSES NEED WATCHING AND AS EVERY WITNESS IS CALLED <sup>[[6]]</sup> UPON THE STAND AND THE OATH ADMINISTERED [space] . *SAY*[?] WHETHER THEY HAVE BEEN WITHIN THE HEARING OF THE OTHER WITNESSES AND IF YOUR HONOR DEEMS IT PERTINENT TO APPROVE THEY CAN ALSO ASK THEM WHETHER THEY HAVE TALKED AMONG THEMSELVES IN REGARD TO IT [space] NOW I INSIST THAT IS IN RULE OF LAW OR PRACTICE AND THOUGH THAT IS *ENTIRELY*[?] PROPER IN ASKING PROSECUTION TO FURNISH A LIST OF THE WITNESSES IN ADVANCE AND THE STATE HAS ALREADY GONE FAR ENOUGH IN THAT [space] AND—THAT THE NAMES OF THE WITNESSES WAS BEFORE THE GRAND JURY SHALL BE INTRODUCED THE REASON OF THAT WE ARE NOT HERE TO DISCUSS THE PROPRIETY OF IT RULE ALWAYS *DOUBTED/TD*[?] BUT IT IS LAW AND WE MUST COMPLY WITH IT AND DO COMPLY WITH IT [space] THERE IS ANOTHER REASON WHY WE SHOULD NOT BE OBLIGED TO FURNISH NAMES OF WITNESSES [space] IT IS NOT TO BE PRESUMED THAT PARTIES ENTERING INTO A CASE OF THIS KIND FACTS OF WHICH MUST BE BROUGHT OUT BY EVERY MEANS AT THE HANDS OF THE PROSECUTION EVERY MAN WHO MUST TESTIFY FROM MEMORY BACK TO A PERIOD OF NEARLY 20 YEARS THAT THE PROSECUTION WELL KNOW IN ADVANCE WHO THE WITNESSES ARE WE DO NOT KNOW WHO ALL THE WITNESSES ARE [space] THE LIST OF THE PROSECUTION [space] *COURT IS/COURSE/KRS*[?] BY THE DEFENSE AND [space] BUT THE SHAPE THE CASE MAY ASSUME MAY BRING UP NEW WITNESSES AND OF WHOSE EXISTENCE AT THIS TIME WE HAVE NO KNOWLEDGE NOW THAT PLAN RESTS SQUARELY ON THE RULE OF LAW WE ARE WILLING TO COMPLY WITH THE ESTABLISHED RULE OF LAW [space] <sup>[[7]]</sup> [space] *IN*[?] GOOD FAITH THAT WITNESSES SHOULD EACH BE CALLED BY THE PROSECUTION SHALL BE EXCLUDED BY THE COURT ROOM AND BE REQUIRED TO FURNISH A LIST OF OUR WITNESSES WE MUST RESPECTFULLY DECLINE UNLESS IT IS AN ORDER OF YOUR HONOR [space] WHEN THAT IS BROUGHT WE'LL GIVE OUT *TRUTHFUL/CHEERFUL*[?] *KSNS*[?] [space] BISHOP ONE WORD IN REPLY WHILE I MUST POSITIVELY DISAGREE WITH BROTHER HOWARD AS TO THE RULE OF LAW I AM NOT PARTICULAR ABOUT ITS ENFORCEMENT I DO NOT KNOW WHERE THEY

CAN/CAN'T[?] DLK/DLKT[?] THE POSITION THAT THEY OCCUPY I DO NOT KNOW THAT —/THE[?] WITNESSES HAD BEEN PLACED IN JEOPARDY OR THAT THEY HAD BEEN THREATENED BY NEWSPAPERS OR ANYTHING OF THAT KIND BECAUSE I THINK THEY OF — —/ALL THE[?] NEWSPAPER [space] THAT WHEN OUTSIDE OF THE LINE OF THEIR DUTY AND [space] FAVOR THE PROSECUTION IN THIS CASE [space] —/AND[?] COMING HERE NOW AND HEARING ASSERTION THAT THE PROSECUTION MAY DEPART FROM THE ESTABLISHED FORM CERTAIN PARTIES THAT IS THE EVIDENCE OF CERTAIN PARTIES WHO WOULD NOT HAVE AN HONORABLE PURPOSE TO COME HERE AND TESTIFY AS THEY AND FEAR APPEAR[?] THAT WE MIGHT BE THE INSTRUMENTS OF PREVENTING PROSECUTION FROM MAKING OUT ITS FULL CASE I NOW ASK YOUR HONOR FOR LEAVE TO WITHDRAW MY MOTION AND TO GIVE THE PROSECUTION THE FULLEST POWER POSSIBLE [space] HE STANDS HERE HE SAYS FOR FAIRNESS [space] AND SO WE STAND [space] WHICH IS[?] IN PARTICULAR TO HIS WITNESSES A GOOD PRINCIPLE —[?] NEITHER[?] IS MY PLAN[?]. <sup>[[8]]</sup> I AM NOT AFRAID FOR HIS WITNESSES TO COME HERE AND LISTEN TO EACH OTHER BECAUSE WITNESSES THAT WOULD BE AFRAID TO BE PLACED UNDER THE RULE I AM NOT AFRAID OF [space] LEARNED THEIR LESSON BY ROTE AND THEN TELL IT LIKE A PARROT CALLING FOR CRACKER TALK ABOUT WITNESSES BEING TAMPERED WITH THAT SAME CHARGE REQUIRES[?] THAT TROUBLE OFFICERS ON THE OPPOSITE SIDE WE HAVE NO CHARGES TO MAKE AGAINST THE PROSECUTION I HOPE I MAY NOT BE COMPELLED TO WAGE AN OFFENSIVE AND DEFENSIVE WAR [space] I WISH TO SAY NOW FOR THE PURPOSE[?] CLEAR[?] JOHN D. LEE IF I HAVE A —[?] TO DO SO NO WAY UPON EARTH [space] A BROAD POSITION ON TESTIMONY/AND ITS[?] MOTION/MN[?] MY BROTHER HOWARD COMES HERE WITH HIS WISHES FOR THE PROSECUTION AND —/CONVINCING[?] ME[?] IF THEY CAN BUT THE PREJUDICE[?] IN THIS CASE COMPELS THEM TO DO THINGS THAT NOT COMMON THAT THEY WOULD HAVE DEEMED UNFAIR MOTION WHEN THEY COULD WORK TO GET A CASE OF THIS KIND MAY DO THINGS THAT KRSNS/KRSKSK[?] WOULD CONDEMN HIMSELF CONVINCED OF BEING SUSCEPTIBLE TO THE OUTSIDE IN A CRIMINAL CASE AND LANGUAGE[?] GOES FAR TO JUSTIFY MOTIONS PROPOSED TO JUDGE US [space] I NOW WITHDRAW MY OBJECTION AND AM WILLING THESE WITNESSES [space] COME FORWARD AND [space] WILLING [space] SHALL TAKE THE CUP[?] AND DRAW OUT ALL ENTIRE[?] FAIR[?] THING/ONN[?] AND DELIVER TO EACH WITNESS THIS ONE BEEN SWORN TO WITNESS THIS BEEN GIVEN BY THE ONE JUST LEFT[?] THE STAND [space] <sup>[[9]]</sup> HOWARD[?] [space] COURT: THE REMARKS IN REGARD TO INTIMIDATION OR ANYTHING OF THAT KIND AND JURY ON THE REGARD[?] AND [space] I HAVE LISTENED TO THIS DISCUSSION MOST OF WHICH WAS OUT OF ORDER AND THE QUESTION TO ME IS SO[?] PLAIN THAT IT DON'T SEEM TO ME IT WAS NECESSARY TO DISCUSS THE QUESTION AT ALL THE RULE IS THERE IS ANYTHING PENDING UPON THE COURT IN REGARD TO INSPECTION OF THE WITNESSES IT IS MERELY A QUESTION FOR THE COURT TO CONSIDER IN DOING THAT

WHICH HE CONSIDERS FOR THE BEST INTERESTS OF THE PUBLIC AND FOR THE DEFENDANT [space] THE PRACTICE IS THAT THE COURT MAY EXCLUDE EVERY WITNESSES ON BOTH SIDES HAVE MIND DO SO ALTHOUGH BOTH SIDES MAY ASK IT [space] AND THE FINAL DECISION OF THE COURT *LS/LST*[?] TO BE OVERTURNED ON ACCOUNT OF THE RULING IN SUCH CASE IT IS QUESTION ENTIRELY WITHIN THE DISCRETION OF THE COURT [space] IN THIS COURT WE HAVE GENERALLY EXCLUDED WHEREVER IT WAS REQUESTED AND EXCLUDED WITNESSES ON BOTH SIDES NEVER DID RECOGNIZE RULE IN THIS COURT THAT EITHER PARTY WOULD *KNOW*[?] ALL THE WITNESSES ON THE OTHER SIDE WHEN IT WAS REQUESTED [space] ~ [space] MADE AN ADDITIONAL RULE THAT ANY WHOSE NAMES WERE NOT CALLED WOULD BE EXCLUDED FROM THE COURT ROOM AND BE *FM/FAMILIAR*[?] THEY WERE EXPECTED TO TESTIFY *MUST*[?] SEE TO IT THAT THEY DID NOT COME INTO THE COURT ROOM THESE ARE THE GENERAL RULES RECOGNIZED IN THIS COURT ALWAYS BUT THE COURT WOULD NOT REQUIRE ALL THE WITNESSES NAMES TO CALL IF THERE WERE ANY REASONABLE GROUND FOR OBJECTION TO SUCH A RULE

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**PS**

<p>FIRST WITNESS FOR THE PROSECUTION. DANIEL H. WELLS, DIRECT EXAMINATION.</p> <p>BY JUDGE SUMNER HOWARD.</p>	<p>DANIEL H. WELLS.</p> <p>SWORN FOR THE PROSECUTION.</p> <p>HOWARD—</p>	<p>BUT AFTER A LONG ARGUMENT BY COUNSEL ON BOTH SIDES THE MOTION WAS WITHDRAWN AND THE WITNESSES ARE ALLOWED TO REMAIN IN THE COURT ROOM.</p> <p>DANIEL WELLS, A WITNESS SWORN FOR THE PROSECUTION, <b>WAS EXAMINED IN CHIEF BY MR HOWARD &amp;</b></p>	<p><i>[[10]] AND ENFORCEMENT</i>[?] ]</p> <p>AS THE OBJECTION IS WITHDRAWN WITNESSES ON BOTH SIDES WILL BE PERMITTED TO BE IN THE COURT ROOM.</p> <p><b>D.H. WELLS</b></p> <p>SWORN FOR THE PROSECUTION [space]</p>
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**MU**

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**PS**

<p>Q. HOW LONG HAVE YOU RESIDED IN THIS TERRITORY ?  A. SINCE THE FALL OF 1848.  Q. DO YOU KNOW JOHN D. LEE ? A. YES SIR. Q. DID YOU KNOW HIM IN 1857 ? A. YES SIR. Q. WHAT POSITION DID HE OCCUPY AT THAT TIME— ANY OFFICIAL POSITON ? A. I DON'T KNOW OF ANY POSITION EXCEPT IT WAS A FARMER TO THE INDIANS IN THE SOUTHERN PART OF THE TERRITORY. HE HAD BEEN A MAJOR IN THE MILITARY, BUT I DON'T KNOW WHETHER HE WAS AT THAT TIME OR NOT.<sup>650</sup>  Q. WAS HE AT ANY PARTICULAR TIME ? A. I</p>	<p>HOW LONG HAVE YOU RESIDED IN THIS TERRITORY?  SINCE THE FALL OF 1848.  DO YOU KNOW JOHN D. LEE? YES, SIR. DID YOU KNOW HIM IN 1857? YES, SIR.  WHAT POSITION DID HE OCCUPY AT THAT TIME  OFFICIAL POSITION? I DON'T KNOW OF ANY POSITION EXCEPT IT WAS FARMER TO THE INDIANS IN THE SOUTHERN PART OF THE TERRITORY. HE HAD BEEN A MAJOR IN THE MILITARY. I DON'T REMEMBER WHETHER HE WAS AT THAT TIME OR NOT.  AT THAT PARTICULAR TIME, I</p>	<p><b>TESTIFIED AS FOLLOWS</b>  <del>HOWARD:</del> Q. HOW LONG HAVE YOU LIVED IN THIS TERRITORY?  A. SINCE THE FALL OF 1848.  Q. DO YOU KNOW JOHN D. LEE? A. YES, SIR. Q.. QDID YOU KNKNOW HIN IN 1857? A. YES, SIR. Q. WHAT POSITION DID HE OCCUPY AT THAT TIME — OFFICIAL POSITION? A. I DON'T KNOW OOF ANY POSITION UNLESS IT WAS FARMER TO <b>THE</b> INDIANS IN THE SOUTHERN PART OF THE TERRITORY. HE HAD BEEN A MILITARY MAJOR. I DON'T KNOW WHETHER HE WAS IN  AT THE PARTICULAR TIME OR NOT; I</p>	<p>HOW LONG HAVE YOU LIVED IN THIS TERRITORY?  SINCE THE FALL OF 1848  DID YOU KNOW JOHN D. LEE YES  SIR DID YOU KNOW HIM IN 1857  YES SIR  WHAT POSITION DID HE OCCUPY AT THAT TIME  OFFICIAL POSITION I DON'T KNOW OF ANY POSITION UNLESS IT WAS FARMER TO THE INDIANS IN THE SOUTHERN PART OF THE TERRITORY. HE HAD BEEN IN THE MILITARY MAJOR I DON'T REMEMBER WHETHER HE WAS IN THEN  AT THAT PARTICULAR TIME I</p>
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650. Lee was a major in the militia.

**RT****MU****BT****PS**

<p>THINK NOT. I THINK HE HAD BEEN SUSPENDED. Q. I WISH TO ASK YOU THE QUESTION, WHAT, FROM YOUR PERSONAL KNOWLEDGE WAS THE INFLUENCE OF JOHN D. LEE OVER THE INDIANS IN SOUTHERN UTAH, AND <sup>[29]</sup> IN THE VICINITY OF WHERE HE LIVED, OVER THE INDIANS OF WHOM HE HAD BEEN APPOINTED FARMER--WAS HE THE INTERPRETER OF THOSE INDIANS ALSO ? A. WELL I THINK HE UNDERSTOOD THE LANGUAGE IMPERFECTLY AND COULD PROBABLY CONVERSE WITH THE INDIANS. Q. STATE IF HE WAS A MAN OF</p>	<p>THINK NOT. I THINK HE HAD BEEN SUSPENDED. I WISH TO ASK YOU THE QUESTION, WHAT, FROM YOUR PERSONAL KNOWLEDGE, WAS THE INFLUENCE OF JOHN D. LEE OVER THE INDIANS</p> <p>TO WHOM HE HAD BEEN APPOINTED FARMER—WAS HE INTERPRETER</p> <p><sup>[318]</sup> ALSO? WELL, I THINK HE UNDERSTOOD THE LANGUAGE IMPERFECTLY; COULD PROBABLY CONVERSE WITH THE INDIANS. STATE IF HE WAS A MAN OF</p>	<p>THINK NOT. I THINK HE HAD BEEN SUPRESEDED. Q. I WISH TO ASK YOU THE QUESTION, WHAT, FROM YOUR PERSONAL KNOWLEDGE, WAS THE INFLUENCE OF JOHN D. LEE OVER THE INDIANS</p> <p>TO WHOM HE WAS</p> <p>APPOINTED FARMER — WAS HE INTERPRETER</p> <p>ALSO? A. WELL, I THINK HE UNDERSTOOD THE LANGUAGE IMPERFECTLY,  PROBABLY CONVERSED WITH THE INDIANS. Q. STATE WHETHER HE WAS A MAN OF</p>	<p>THINK NOT <i>[space]</i> I THINK HE HAD BEEN SUPERSEDED <i>[space]</i> I WISH TO ASK YOU THE QUESTION WHAT FROM YOUR PERSONAL KNOWLEDGE WAS THE INFLUENCE OF JOHN D. LEE OVER THE INDIANS</p> <p>TO WHOM HE WAS</p> <p>APPOINTED ? ≠FARMER≠ WAS HE INTERPRETER</p> <p>ALSO WELL I THINK HE UNDERSTOOD THE LANGUAGE IMPERFECTLY ≠. COULD≠ PROBABLY CONVERSED WITH THE INDIANS <i>[space]</i> STATE WHETHER HE WAS MAN AN ≠OF≠</p>
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**RT**

**MU**

**BT**

**PS**

<p>INFLUENCE WITH THOSE INDIANS AND A MAN THAT WAS POPULAR WITH THEM ? A. HE WAS SO CONSIDERED. BY PROSECUTION: THAT IS ALL. DEFENSE: WE HAV NO CROSS-EXAMINATION. [space] LABAN MORRILL,</p> <p>SWORN FOR PROSECUTION.</p> <p>Q. WHERE DO YOU RESIDE ? A. IRON COUNTY, AT WHAT? IS CALLED FORT JOHNSON. Q. HOW LONG HAVE YOU LIVED IN THE TERRITORY ? A. SINCE I852. Q. DO YOU KNOW THE LOCATION OF MOUNTAIN MEADOWS ? A. NO SIR, I NEVER</p>	<p>INFLUENCE WITH THE INDIANS, A MAN POPULAR WITH THEM? HE WAS SO CONSIDERED.</p> <p>CROSS EXAMINATION WAIVED. LABAN MORRILL.</p> <p>SWORN FOR THE PROSECUTION.</p> <p>WHERE DO YOU RESIDE? IRON COUNTY, AT WHAT IS CALLED FORT JOHNSON. HOW LONG HAVE YOU LIVED IN THE TERRITORY? SINCE 1852. DO YOU KNOW THE LOCATION OF MOUNTAIN MEADOWS? NO, SIR. I NEVER</p>	<p>INFUENCE WITH THESE INDIANS, A MAN POPULAR WITH THEM? A. HE WAS SO CONSIDERED.</p> <p>[3] CROSS-EXAMINATION WAIVED. LABAN MORRILL, A WITNESS CALLED &amp; SWORN FOR THE PROSECUTION-, WAS EXAMINED IN CHIEF BY HOWARD: &amp; TESTIFIED AS FOLLOWS:</p> <p>Q. WHERE DO YOU RESIDE? A. IRON COUNTY, WHAT IS CALLED FORT JOHNSON. Q. HOW LONG HAVE YOU LIVED IN THE TERRITORY? A. SINCE '52. Q. DO YOU KNOW THE LOCATION OF THE MOUNTAIN MEADOWS? A. NO, SIR, I NEVER</p>	<p>INFLUENCE WITH THESE INDIANS A MAN POPULAR WITH THEM &lt;HE WAS&gt; SO CONSIDERED [space]</p> <p>CROSS-EXAMINATION</p> <p>[[11]] LABAN MORRILL,</p> <p>SWORN FOR THE PROSECUTION [space]</p> <p>WHERE RESIDE? IRON COUNTY WHAT IS CALLED FORT JOHNSON [space] HOW LONG LIVED IN THE TERRITORY SINCE 52 DO YOU KNOW THE LOCATION OF MOUNTAIN MEADOWS NO SIR. NEVER</p>
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**RT**

**MU**

**BT**

**PS**

<p>WAS THERE. <sup>[30]</sup>  Q. WHERE  DID YOU LIVE IN  1857 ? A. I THINK  I LIVED AT  CEDAR CITY.  Q. H W FAR IS  CEDAR CITY  FROM  BEAVER ? A.  ABOUT THIRTY  MILES. Q. DID  YOU IN 19857  KNOW  ANYTHING  ABOUT AN  EMIGRANT  TRAIN KNOWN  AS THE  ARKANSAS</p> <p>TRAIN AND  PASSING  THROUGH THE  TERRITORY TO  SOUTHERN  CALIFORNIA OR  STARTING TO  PASS ? A. BY  REPORT ONLY.  Q. DID YOU  HAVE  ANYTHING TO  DO AS AN  OFFICER OR  CITIZEN AT  CEDAR CITY  WITH REGARD  TO THE  PASSAGE OF  THOSE  EMIGRANTS -- IF  YOU DID STATE  WHAT YOU</p>	<p>WAS THERE.  WHERE  DID YOU LIVE IN  1857? I THINK  I LIVED AT  CEDAR CITY.  HOW FAR IS  CEDAR CITY  FROM  BEAVER?  ABOUT THIRTY  MILES. DID  YOU, IN 1857,  KNOW  ANY THING  ABOUT AN  EMIGRANT  TRAIN, KNOWN  AS THE  ARKANSAS  EMIGRANT  TRAIN,  PASSING  THROUGH THE  TERRITORY TO  SOUTHERN  CALIFORNIA, OR  STARTING TO  PASS? BY  REPORT ONLY.  DID YOU  HAVE  ANY THING TO  DO AS AN  OFFICER OR  CITIZEN, AT  CEDAR CITY,  WITH REGARD  TO THE  PASSAGE OF  THOSE  EMIGRANTS? IF  YOU DID, STATE  WHAT YOU</p>	<p>WAS THERE.  Q. WHERE  DID YOU LIVE IN  1857? A. I THINK  I LIVED IN  CEDAR CITY.  Q. HOW FAR IS  CEDAR CITY  BELOW  BEAVER? A.  ABOUT 30  MILES. Q. DID  YOU, IN 1857,  KNOW  ANYTHING  ABOUT AN  EMIGRANT  TRAIN, KNOWN  AS THE  ARKANSAS  EMIGRANT  TRAIN,  PASSING  THROUGH THE  TERRITORY TO  SOUTHERSN  CALIFORNIA, OR  STARTING TO  PASS? A. BY  REPORT ONLY.  Q. DID YOU  KAVE  ANYTHING TO  DO AS AN  OFFICER OR  CITIZEN, AT  CEDAR CITY,  IN REGARD  TO THE  PASSAGE OF  THESE  EMIGRANTS? IF  YOU DID STATE  WHAT YOU</p>	<p>WAS THERE.  RR/[?] WHERE  DID YOU LIVE IN  1857 I THINK  I LIVED IN  CEDAR CITY.  HOW FAR IS  CEDAR CITY  BELOW  BEAVER  ABOUT 30  MILES DID  YOU IN 1857  KNOW  ANYTHING  ABOUT AN  EMIGRANT  TRAIN KNOWN  AS THE  ARKANSAS  EMIGRANT  TRAIN  PASSING  THROUGH THE  TERRITORY TO  SOUTHERN  CALIFORNIA OR  STARTING TO  PASS BY  REPORT ONLY  DID YOU  HAVE  ANYTHING TO  DO AS AN  OFFICER OR  CITIZEN ≤AT  CEDAR CITY&gt;  IN REGARD  TO THE  PASSAGE OF  THESE  EMIGRANTS IF  YOU DID STATE  WHAT YOU</p>
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**RT**

**MU**

**BT**

**PS**

<p>KNOW ABOUT THEIR PASSAGE, IN YOUR OWN WAY ? A. MERELY BY REPORT, THAT THERE WAS A COMPANY CAME THROUGH CEDAR CITY. I LIVED OFF AT A PLACE CALLED FORT JOHNSON, SIX MILES AND A HALF AND I WAS ENGAGED AT THAT TIME SOME LITTLE IN SEEING WHAT WAS THE BEST LOCALITY,</p> <p>OR WHAT WOULD BE FOR THE BEST GOOD FOR SOME THREE OR FOUR LITTLE PLACES, CEDAR CITY, FORT JOHNSON AND SHIRTS CREEK.<sup>651</sup> WE HAD FORMED A KIND OF A CUSTOM TO COME TOGETHER</p>	<p>KNOW ABOUT THEIR PASSAGE, IN YOUR OWN WAY. MERELY BY REPORT, THAT THERE WAS A COMPANY COME THROUGH CEDAR CITY. I LIVED OFF AT A PLACE CALLED FORT JOHNSON, SIX MILES AND A HALF. I WAS ENGAGED AT THAT TIME SOME LITTLE IN SEEING WHAT WAS CALLED THE BEST LOCALITY,</p> <p>OR WHAT WOULD DO THE BEST GOOD FOR SOME THREE OR FOUR LITTLE PLACES, CEDAR CITY, FORT JOHNSON AND SHIRTS' CREEK. WE HAD FORMED A KIND OF A CUSTOM TO COME TOGETHER</p>	<p>KNOW ABOUT THEIR PASSAGE IN YOUR OWN WAY. A. MERELY BY REPORT, THAT THERE WAS A COMPANY COMING THROUGH CEDAR CITY. I LIVED OFF AT A PLACE CALLED FORT JOHNSON, SIX MILES AND A HALF. I WAS AT THAT TIME ENGAGED SOME LITTLE IN WHAT WE CALLED THE BEST LOCALITY</p> <p>OR WHAT WOULD DO THE BEST GOOD FOR SOME THREE OR FOUR LITTLE PLACES, CEDAR CITY, FORT JOHNSON AND SHIRTZ CREEK. WE HAD FORMED A KIND OF A CUSTOM TO COME TOGETHER</p>	<p>KNOW ABOUT THEIR PASSAGE IN YOUR OWN WAY [space] MERELY BY REPORT THAT THERE WAS A COMPANY COMING THROUGH CEDAR CITY I LIVED[?] OFF AT A PLACE CALLED FORT JOHNSON SIX MILES AND HALF I WAS AT THAT TIME ENGAGED SOME LITTLE IN WHAT WOULD[?] CALLED TO SEE THE BEST L/WHOLE/LAW[?] OBJECT/GOOD/K T[?] OR WHAT WOULD DO THE BEST GOOD FOR SOME 3 OR FOUR LITTLE PLACES AT CEDAR CITY AND FORT JOHNSON AND SHIRTS CREEK WE HAD FORMED A KIND OF A CUSTOM TO COME TOGETHER</p>
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651. Another name for Hamilton Fort.

**RT****MU****BT****PS**

<p>ABOUT ONCE A WEEK TO TAKE INTO CONSIDERATION WHAT WOULD BE THE BEST GOOD FOR THOSE THREE PLACES. I HAPPENED ON SUNDAY TO COME TO CEDAR CITY, AS I USUALLY CAME, AND THERE THEN SEEMED TO BE COUNCIL. WE MET TOGETHER ABOUT FOUR O’CLOCK IN THE AFTERNOON, AS A GENERAL THING. ON ≪SUNDAYS≫ AFTER THE EVENING SERVICE I WENT INTO THE COUNCIL AND SAW THERE WAS SOME LITTLE EXCITEMENT, IN REGARD TO SOMETHING THAT I DID NOT UNDERSTAND. I WENT IN AT A RATHER LATE HOUR. I INQUIRED OF THE REST</p>	<p>ABOUT ONCE A WEEK, TO TAKE INTO CONSIDERATION WHAT WOULD BE THE BEST GOOD FOR THOSE THREE PLACES. I HAPPENED ON SUNDAY TO COME TO CEDAR CITY, AS I USUALLY CAME, AND THERE SEEMED TO BE A COUNCIL. WE MET TOGETHER ABOUT FOUR O’CLOCK, AS A GENERAL THING, ON SUNDAY EVENING AFTER SERVICE. I WENT INTO THE COUNCIL, AND SAW THERE WAS A LITTLE EXCITEMENT IN REGARD TO SOMETHING I DID NOT UNDERSTAND. I WENT IN AT A RATHER LATE HOUR. I ENQUIRED OF THE REST</p>	<p>ABOUT ONCE A WEEK AND TO TAKE INTO CONSIDERATION WHAT WOULD BE THE BEST GOOD FOR THESE TRHREE PLACES. I HAPPENED ON SUNDAY TO COME TO CEDAR AS I USUALLY CAME, AND THERE SEEMED TO BE A COUNCIL. WE MET TOGETHER ABOUT FOUR O’CLOCK AS A GENERAL <sup>[4]</sup> THING, ON SUNDAY EVENING AFTER SERVICEES. I WENT INTO THE COUNCIL AND SAW THERE WAS A LITTLE EXCITEMENT IN REGARD TO SOMETHING I DID NOT EXACTLY UNDERSTAND. I WENT IN AT A RATHER LATE HOUR AND I ENQUIRED OF THE REST</p>	<p>ABOUT ONCE A WEEK AND TO TAKE INTO CONSIDERATION WHAT WOULD BE THE BEST GOOD FOR THESE THREE PLACES I HAPPENED ON SUNDAY TO COME TO CEDAR AS I USUALLY CAME AND THERE SEEMED TO BE A COUNCIL WE MET TOGETHER ABOUT FOUR O’CLOCK AS GENERAL THING ON SUNDAY EVENING AFTER SERVICES I WENT INTO COUNCIL AND SAW THERE WAS A LITTLE EXCITEMENT IN REGARD TO SOMETHING I DID NOT EXACTLY UNDERSTAND I WENT IN AT A RATHER LATE HOUR AND I INQUIRED OF THE REST OF</p>
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**RT**

**MU**

**BT**

**PS**

<p>WHAT WAS THE MATTER.</p>	<p>WHAT WAS THE MATTER.</p>	<p>WHAT WAS THE MATTER.</p>	<p>THE BISHOP AND PERHAPS I CAME LATE[?]          ◀WHAT WAS THE MATTER▶  <i>[[12]]</i> SOME FEW</p>
<p>THEY TOLD ME A COMP- <sup>[31]</sup> ANY OF EMIGRANTS HAD PASSED ALONG</p>	<p>THEY SAID A COMPANY HAD PASSED ALONG</p>	<p>THEY SAID A COMPANY HAD PASSED ALONG</p>	<p>OF THEM HAVE AND THEY SAID THERE WAS A COMPANY</p>
<p>TOWARDS THE MOUNTAIN MEADOWS</p>	<p>TOWARD MOUNTAIN MEADOWS.</p>	<p>TOWARD MOUNTAIN MEADOWS, WHO HAD GON DOWN THERE,</p>	<p>TOWARDS MOUNTAIN MEADOWS WHO HAD GONE DOWN THERE</p>
<p>AND THAT THERE WERE MANY THREATS GIVEN OUT CONCERNING THIS COMPANY. SPICER FOR DEFENDANT: WE OBJECT TO THOSE CONVERSTATIONS IN WHICH THE WITNESS HAS NOT SHOWN THAT THE DEFENDANT WAS PRESENT. HOWARD FOR PROSECUTION: WE EXPECT TO CONNECT MR. LEE WITH THIS</p>	<p>THERE WERE MANY THREATS GIVEN CONCERNING THIS COMPANY. SPICER—FOR DEFENDANT— WE OBJECT TO THESE CONVERSATIONS, IN WHICH THE WITNESS HAS NOT SHOWN THAT THE DEFENDANT WAS PRESENT. HOWARD—FOR THE PEOPLE— WE EXPECT TO CONNECT MR. LEE WITH IT</p>	<p>AND THERE WAS MANY THREATS GIVEN CONCERNING US ——— SPICER: WE OBJECT TO THIS AS A CONVERSATION IN WHICH THE WITNESS HAS NOT SHOWN THAT MR. LEE WAS PRESENT. HOWARD: WE PROPOSE TO CONNECT MR. LEE WITH IT</p>	<p>PASSED ALONG AND HAD GONE TOWARDS MOUNTAIN MEADOWS WHO HAD GONE DOWN THERE AND THERE WAS MANY THREATS GIVEN CONCERNING US ~ SPICER<sup>652</sup> [space] OBJECT TO AS A CONVERSATION IN WHICH THE WITNESS HAS NOT SHOWN THAT MR. LEE WAS PRESENT HOWARD WE PROPOSE TO CONNECT MR. LEE WITH IT</p>

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652. In left margin.

**RT**

**MU**

**BT**

**PS**

<p>CIRCUMSTANCE IN THIS WAY: WE PROPOSE TO SHOW THAT AT THAT COUNCIL A REPORT WAS MADE THAT THE INDIANS HAD STOPPED THIS TRAIN OF ARKANSAS EMIGRANTS OR WERE ABOUT TO STOP THEM, AND WE PROPOSE TO SHOW FURTHER THAT AT THAT TIME, IN CONSEQUENCE OF THE CONDITION OF THE COUNTRY, IT WAS CLAIMED BY SOME PEOPLE THAT THEY SHOULD BE HELD UNTIL A MESSAGE COULD BE SENT TO SALT LAKE CITY AND THEIR PASSAGE SECURED; ALSO THAT MR. MORRILL APPEARED THERE, OTHERS BEING IN FAVOR OF STOPPING THE EMIGRANTS,</p>	<p>IN THIS WAY: WE PROPOSE TO SHOW THAT AT THAT COUNCIL A REPORT WAS MADE THAT THE INDIANS HAD STOPPED THIS TRAIN OF EMIGRANTS, <sup>[319]</sup> OR WERE ABOUT TO STOP THEM; AND WE PROPOSE TO SHOW FURTHER THAT AT THAT TIME, IN CONSEQUENCE OF THE CONDITION OF THE COUNTRY, IT WAS CLAIMED BY SOME PEOPLE THAT THEY SHOULD BE HELD UNTIL A MESSAGE COULD BE SENT TO SALT LAKE AND THEIR PASSAGE SECURED; THAT MR. MORRILL APPEARED THERE— OTHERS BEING IN FAVOR OF STOPPING THE EMIGRANTS,</p>	<p>IN THIS WASY: WE PROPOSE TO SHOW THAT AT THAT COUNCIL A REPORT WAS MADE THAT THE IÑDIANS HAD STOPPED THIS TRAIN OF EMIGRANTS, OR WERE ABOUT TO STOP THEM. WE PROPOSE TO SHOW FURTHER, THAT AT THAT TIME, IN CONSEQUENCE OF THE CONDITION OF THE COUNTRY, IT WAS CLAIMED BY SOME PEOPLE THAT THEY SHOULD BE HELD UNTIL A MESASAGE COULD BE SENT TO SALT LAKE AND THEIR PASSAGE SECURED; THAT MR. MORRIL APPEARED THERE — OTHERS BEING IN FAVOR OF STOPPING THE EMIGRANTS</p>	<p>IN THIS WAY WE PROPOSE TO SHOW THAT AT THAT COUNCIL A REPORT WAS MADE THAT THE INDIANS HAD STOPPED THIS &lt;TRAIN&gt; COMPANY OF EMIGRANTS OR WERE ABOUT TO STOP THEM [<i>space</i>] PROPOSE TO SHOW FURTHER THAT AT THAT TIME IN CONSEQUENCE OF THE CONDITION OF THE COUNTRY IT WAS CLAIMED BY SOME PEOPLE THAT THEY SHOULD BE HELD UNTIL <del>REPORTS</del> A MESSAGE COULD BE SENT TO SALT LAKE AND THEIR PASSAGE <i>SECURED</i>[?] <i>THAT</i>[?] MR. MORRIL APPEARED THERE OTHERS BEING IN FAVOR OF STOPPING THE EMIGRANTS</p>
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**RT**

**MU**

**BT**

**PS**

<p>AND THAT FINALLY AN AGREEMENT A WAS MADE THAT THE EMIGRANTS SHOULD NOT BE INTERFERED WITH AND SUSPENDED ALL PROCEEDINGS IN REGARD TO EVEN STOPPING THEM, UNTIL A MESSAGE SHOULD COME FROM BRIGHAM YOUNG. AT THAT TIME BRIGHAM YOUNG WAS NOT ONLY THE PRESIDENT OF THE CHURCH, BUT GOVERNOR OF THE TERRITORY AND INDIAN AGENT. WE PROPOSE TO FOLLOW IT UP BY SHOWING THAT AN AGREEMENT WAS MADE AND A MESSENGER SENT POST- HASTE TO SALT LAKE. WE PROPOSE TO FOLLOW IT UP BY SHOWING</p>	<p>AND THAT FINALLY AN AGREEMENT WAS MADE THAT THE EMIGRANTS SHOULD NOT BE INTERFERED WITH, AND SUSPEND ALL PROCEEDINGS IN REGARD TO EVEN STOPPING THEM UNTIL A MESSAGE SHOULD COME FROM BRIGHAM YOUNG. AT THAT TIME BRIGHAM YOUNG WAS NOT ONLY THE PRESIDENT OF THE CHURCH, BUT GOVERNOR OF THE TERRITORY, AND INDIAN AGENT. WE PROPOSE TO FOLLOW IT UP BY SHOWING THAT AN AGREEMENT WAS MADE AND A MESSENGER SENT POST- HASTE TO SALT LAKE. WE PROPOSE TO FOLLOW IT UP BY SHOWING</p>	<p>AND THAT FINALLY AN AGREEMENT WAS MADE THAT THE EMIGRANTS SHOULD NOT BE INTERFERED WITH, AND SUSPENDED ALL PROCEEDINGS IN REGARD TO EVEN STOPPING THEM, UNTIL A MESSAGE COULD BE SENT TO BRIGHAM YOUNG. AT THAT TIME BRIGHAM YOUNG WAS NOT ONLY PRESIDENT OF THE CHURCH BUT GOVERNOR  AND INDIAN AGENT.. WE PROPOSE TO FOLLOW IT UP BY SHOWING THAT A</p>	<p>AND THAT FINALLY AN AGREEMENT WAS MADE THAT THE EMIGRANTS SHOULD NOT BE INTERFERED WITH [space] SUSPEND ALL PROCEEDINGS IN REGARD TO EVEN STOPPING [space] THEM UNTIL A MESSAGE COULD BE SENT TO BRIGHAM YOUNG AT THAT TIME BRIGHAM YOUNG WAS NOT ONLY THE PRESIDENT OF THE CHURCH BUT GOVERNOR [space]  INDIAN AGENT [space] WE PROPOSE TO FOLLOW IT UP BY SHOWING THAT AN AGREEMENT WAS MADE, TO SEND A MESSENGER POST HASTE <sup>[[13]]</sup> TO SALT LAKE [space] PERHAPS TO FOLLOW IT UP BY SHOWING</p>
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**RT**

**MU**

**BT**

**PS**

<p><sup>[32]</sup> THAT A MESSENGER WAS SENT TO SEE THE INDIANS DID NOT INTERFERE WITH THE EMIGRANTS; WE PROPOSE TO FOLLOW IT UP BY SHOWING THAT JOHN D. LEE RECEIVED /THAT WORD. THAT THAT WAS THE AGREEMENT OF AND IN THAT COUNCIL AND THAT HE MUST NOT ALLOW THOSE EMIGRANTS TO BE INTERFERED WITH; THAT HE NOT ONLY RECEIVED THAT WORD BUT THAT HE MADE THE REMARK</p>	<p>THAT A MESSENGER WAS SENT TO SEE THAT THE INDIANS DID NOT INTERFERE WITH THE EMIGRANTS. WE PROPOSE TO FOLLOW IT UP BY SHOWING THAT JOHN D. LEE RECEIVED THAT WORD. THAT THAT WAS THE AGREEMENT OF THAT COUNCIL, AND THAT HE MUST NOT ALLOW THOSE EMIGRANTS TO BE INTERFERED WITH. THAT HE NOT ONLY RECEIVED THAT WORD, BUT THAT HE MADE THE REMARK</p>	<p>MESSAGE WAS SENT BELOW TO SEE THAT THE INDIANS DID NOT INTERFERE WITH THE EMIGRANTS. WE PROPOSE TO FOLLOW IT UP BY SHOWING THAT JOHN D. LEE RECEIVED THAT WORD; THAT THAT WAS THE AGREEMENT OF THAT <sup>[5]</sup> COUNCIL, THAT HE MUST NOT ALLOW THESE EMIGRANTS TO BE INTERFERED WITH; THAT HE NOT ONLY RECEIVED <b>THE</b> WORD BUT MADE THE REMARK THAT HE HAD SOMETHING TO DO WITH IT. THAT</p> <p>THE MAN IN AUTHORITY FROM THIS TIME CONSIDERED THAT THE</p>	<p>THAT A [space] MESSAGE WAS SENT BELOW TO SEE THAT THE INDIANS DID NOT INTERFERE WITH THE EMIGRANTS WE PROPOSE TO <del>SHOW</del> FOLLOW IT UP BY SHOWING THAT JOHN D. LEE RECEIVED THAT WORD THAT THAT WAS THE AGREEMENT OF THAT COUNCIL THAT HE MUST NOT ALLOW THESE EMIGRANTS TO BE INTERFERED WITH THAT HE NOT ONLY RECEIVED THE WORD<sup>653</sup> MADE THE REMARK THAT HE HAD SOMETHING TO DO WITH IT [space] <del>BUT THE WORD FROM THE</del> MEN IN AUTHORITY FROM THIS TIME CONSIDERED THAT THE</p>
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653. "RECEIVED THE WORD" in the left margin.

**RT**

**MU**

**BT**

**PS**

<p>“THAT HE HAD SOMETHING TO SAY ABOUT IT”. THE MAN WHO CARRIED THE MESSAGE WAS TOLD THAT HE HAD BETTER GET OUT OF THE WAY HIMSELF OR HE WOULD GET HURT.</p>	<p>THAT HE HAD SOMETHING TO SAY ABOUT IT. THE MAN WHO CARRIED THE MESSAGE WAS TOLD THAT HE HAD BETTER GET OUT OF THE WAY HIMSELF, OR HE WOULD GET HURT.</p>	<p>INDIANS WERE TO BE KEPT BACK AWAY FROM THE EMIGRANTS, AND THAT HE HAD SOMETHING TO SAY ABOUT IT. THAT THE MAN WHO CARRIED THE MESSAGE HIMSELF HAD BETTER GET OUT OF THE WAY OR HE WOULD GET HURT. THAT JOHN D. LEE OFFERED DEFIANCE TO THIS SECRET AGREEMENT. JOHN D. LEE WAS NOT AT THAT COUNCIL.</p>	<p>INDIANS WERE TO BE KEPT AWAY FROM THE EMIGRANTS FOLLOW IT UP [space] THAT HE HAD SOMETHING TO SAY TO THAT THAT THE MAN WHO CARRIED THE MESSAGE HIMSELF HAD BETTER GET OUT OF THE WAY HIMSELF OR HE WOULD GET HURT [space] THAT JOHN D. LEE [space] IN DEFIANCE OF THIS SECRET AGREEMENT ~ [space] JOHN D. LEE WAS NOT AT THAT COUNCIL</p>
<p>THERE HAS BEEN AN EFFORT MADE TO SHOW THAT OTHERS BESIDES JOHN D. LEE COMMENCED THIS ATTACK. WE PROPOSE TO SHOW TO THIS JURY THAT THE ATTACK WAS MADE IN DEFIANCE OF</p>	<p>THERE HAS BEEN AN EFFORT MADE TO SHOW THAT OTHERS BESIDES JOHN D. LEE COMMENCED THIS ATTACK. WE PROPOSE TO SHOW TO THIS JURY THAT THE ATTACK WAS MADE IN DEFIANCE OF</p>	<p>THERE HAS BEEN AN EFFORET MADE TO SHOW THAT OTHERS BESIDES JOHN D. LEE COMMEENCED THIS ATTACK. WE PROPOSE TO SHOW TO THIS JURY THAT THE ATTACK WAS IN DEFIANCE OF</p>	<p>THERE HAS BEEN AN EFFORT MADE TO SHOW THAT OTHERS BESIDES JOHN D. LEE COMMENCED THIS ATTACK WE PROPOSE TO SHOW TO THIS JURY THAT THE ATTACK WAS IN DEFIANCE OF</p>

**RT**

**MU**

**BT**

**PS**

<p>THE AUTHORITIES. THAT THEY NOT ONLY HELD THE LIVES OF THOSE EMIGRANTS SECURE; WERE NOT ONLY ANXIOUS THAT THEY</p> <p>SHOULD BE ALLOWED TO PASS, BUT THAT THEY SHOULD BE PROTECTED FROM THE INDIANS, IN ORDER TO SHOW THEIR SINCERITY, AND DO WHAT WAS RIGHT, IN VIEW OF ALL THE CIRCUMSTANCE S, AND THEY MADE A SOLEMN AGREEMENT THERE, AMONG THEMSELVES, THAT THE EMIGRANTS SHOULD NOT BE INTERFERED</p> <p>WITH UNTIL A DISPATCH</p> <p>SHOULD BE SENT TO GOVERNOR YOUNG AND AN</p>	<p>THE AUTHORITIES. THAT THEY NOT ONLY HELD THE LIVES OF THOSE EMIGRANTS SECURE; WERE NOT ONLY ANXIOUS THAT THEY</p> <p>SHOULD BE ALLOWED TO PASS, BUT THAT THEY SHOULD BE PROTECTED FROM THE INDIANS, IN ORDER TO SHOW THEIR SINCERITY AND DO WHAT WAS RIGHT IN VIEW OF THE CIRCUMSTANCE S, MADE A SOLEMN AGREEMENT HERE AMONG THEMSELVES THAT THE EMIGRANTS SHOULD NOT BE INTERFERED</p> <p>WITH UNTIL A DISPATCH</p> <p>COULD BE SENT TO GOVERNOR YOUNG AND</p>	<p>THE AUTHORITIES. THAT THEY NOT ONLY HELD THE LIVES OF THOSE EMIGRANTS SECURE, WERE NOT ONLY ANXIOUS, THAT THESE EMIGRANTS SHOULD BE ALLOWED TO PASS,, BUT</p> <p>BE PROTECTED FROM THE INDIANS AND TO SHOW THEIR INTEREST AND TO DO WHAT WAS RIGHT IN VIEW OF THE CIRCUMSTANCE S — MADE A SOLEMN AGREEMENT THERE AMONG THEMSELVES THAT THE EMIGRANTS SHOULD NOT BE INTERFERED <del>SI</del> <del>INTERFERED</del></p> <p>WITH UNTIL A DISPATCH</p> <p>COULD BE SENT TO GOVERNOR YOUNG AND</p>	<p>THE AUTHORITIES THAT THEY NOT ONLY HELD THE LIVES OF THOSE EMIGRANTS SECURE WERE NOT ONLY ANXIOUS THAT THESE EMIGRANTS SHOULD BE ALLOWED TO PASS [<i>space</i>] AND TO BE PROTECTED FROM THE INDIANS BUT ONLY TO SHOW THEIR INTEREST AND [<i>space</i>] TO DO WHAT WAS RIGHT IN VIEW OF THE CONDITION [<i>space</i>] MADE A SOLEMN AGREEMENT THERE AMONG THEMSELVES THAT THE EMIGRANTS SHOULD NOT BE INTERFERED</p> <p>WITH UNTIL A DISPATCH <del>COULD NOT</del> COULD BE SENT TO GOVERNOR YOUNG AND</p>
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**RT**

**MU**

**BT**

**PS**

<p>ANSWER BROUGHT BACK. WE PROPOSE TO SHOW THAT THAT DISPATCH WAS SENT TO GOVERNOR YOUNG BY THAT MESSENGER, WITH INSTRUCTIONS NOT TO SPARE HORSEFLESH, BUT TO RIDE THERE DAY AND NIGHT, AND THAT BEFORE THIS MESSENGER RETURNED FROM SALT LAKE,</p> <p>JOHN D. LEE,</p> <p>IN DISOBEDIENCE</p>	<p>RETURNED.</p> <p>WE PROPOSE TO SHOW THAT THAT DISPATCH WAS SENT TO GOVERNOR YOUNG BY THAT MESSENGER, WITH INSTRUCTIONS NOT TO SPARE HORSE-FLESH, BUT TO RIDE THERE DAY AND <sup>[320]</sup> NIGHT; THAT BEFORE THIS MESSENGER RETURNED,</p> <p>JOHN D. LEE,</p> <p>IN DEFIANCE</p>	<p>RETURNED.</p> <p>WE PROPOSE TO SHOW THAT THAT DISPATCH WAS SENT TO GOVERNOR YOUNG BY THAT MESSENGER,</p> <p>NOT TO SPARE HORSE-FLESH, BUT TO RIDE THERE DAY AND NIGHT. THAT BEFORE THIS MESSENGER RETURNED THE EMIGRANTS WERE MASSACRED. NOW, WE CAN SHOW THAT JOHN D. LEE AND OTHERS WERE PRESENT; WE CAN SHOW THAT THAT A COUNCIL WAS HELD AND THAT WORD WAS CARRIED TO HIM; THAT IN DEFIANCE</p>	<p>RETURN AND</p> <p>WE PROPOSE TO SHOW THAT THAT DISPATCH <sup>[[14]]</sup> WAS SENT TO GOVERNOR YOUNG [space] AND BY THAT MESSENGER</p> <p>NOT SPARE HORSEFLESH BUT TO RIDE BACK THERE [space] AND EMIGRANT PARTIES [space] BEFORE THAT CAME [space] THAT THESE EMIGRANTS WERE MASSACRED NOW WE CAN SHOW JOHN D. LEE AND OTHERS WERE PRESENT WE CAN SHOW THAT <sup>654</sup> &lt;THAT THAT COUNCIL WAS HELD &gt; WORD WAS CARRIED TO HIM [space] THAT IN DEFIANCE</p>
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654. In left margin.

**RT**

**MU**

**BT**

**PS**

<p>TO THAT COUNSEL WENT AHEAD AND MASSACRED THE EMIGRANTS. SPICER: IF THE GENTLEMEN PROPOSE TO PROVE THAT LEE DID ANYTHING CONTRARY TO THE ORDERS OF THE CHURCH COUNCIL WE MAY WITHDRAW OUR OBJECTIONS. BUT WE KNOW THE PROSECUTION WILL FAIL IN THAT EFFORT. LEE DID NOTHING THAT WAS CONTRARY TO COUNCIL COUNSEL, AND THE FACT IS THAT HE OBEYED ORDERS.</p>	<p>OF THAT COUNCIL, MASSACRED THE EMIGRANTS. SPICER—IF THE GENTLEMAN PROPOSE TO PROVE THAT LEE DID ANYTHING CONTRARY TO THE ORDERS OF THE CHURCH COUNCIL, WE WILL WITHDRAW OUR OBJECTIONS. BUT WE KNOW THE PROSECUTION WILL FAIL IN THE EFFORT. LEE DID NOTHING THAT WAS CONTRARY TO COUNCIL, AND THE FACT IS, HE OBEYED ORDERS.</p>	<p>OF THAT COUNCIL HE MASSACRED THEM. SPICER: IF THAT IS THEIR PURPOSE WE WILL WITHDRAW OUR OBJECTION; BUT YOUR HONOR, WE DO OBJECT TO COUNSEL STATING IN THEIR SPECIAL</p>	<p><del>OF THAT COUNCIL</del> INCURRED[?] THAT MASSACRE [space] &lt;SPICER&gt; OBJECTION WITHDRAWN TO ALL [space] IN RELATION TO WHAT TOOK PLACE AT THAT COUNCIL [space] BUT WHILE WE DO OBJECT TO THE COUNSEL THEIR STATING [space] OR <del>IN ANY</del>[?] SPECIAL[?]</p>
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**RT**

**MU**

**BT**

**PS**

		<p>LANGUAGE WHAT TOOK PLACE AND ARGUING THE WHOLE CASE, AND REPEATING SO MANY TIMES THOSE MATERIAL PARTS OF THE EVIDENCE THAT ARE NOT YET REACHED— CONSTANTLY IMPRESSING ON THE JURY THAT THEY ARE GOING TO PROVE CERTAIN THINGS VERY DAMAGING TO LEE, AND BY OFT' REPEATING THEM THROUGH THE COURSE OF THE TRIAL IMPRESS THEM ON THE MINDS OF THE JURY. SOME <sup>[6]</sup> OF THEM MAY BELIEVE THAT IT HAS BEEN PROVEN.</p> <p>NOW, TAKE THE CONVERSATION OF THE GENTLEMAN IN</p>	<p>LANGUAGE TO GOING SO FAR IN THAT AS TO TAKE QUESTION AND ARGUE THIS WHOLE CASE AND REPEAT OVER SO MANY TIMES THOSE <i>MATERIAL/IMMA TERIAL[?] PARTS</i> OF THE EVIDENCE THAT ARE NOT YET REACHED CONSTANTLY IMPRESSING ON THE JURY THAT THEY ARE GOING TO PROVE CERTAIN THINGS VERY DAMAGING TO MR. LEE AND BY OFT REPEATING THEM DURING THE COURSE OF THE TRIAL [space] IMPRESS THEM [space]</p> <p>SOME OF THEM MAY BELIEVE THAT IT HAS BEEN PROVEN WHEN NOT ASK YOUR HONOR WILL <i>CAUTION[?] ON.</i> NOW TAKE THE REMARKS OF THE GENTLEMAN IN</p>
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**RT**

**MU**

**BT**

**PS**

		<p>RELATION TO WHAT HE IS GOING TO PROVE<sub>7</sub>.</p> <p>OUR CASES RESTS UPON A DENIAL OF THAT, AND WE SAY TO THE JURY THAT THEY ARE NOT GOING TO SHOW THAT BY COMPETENT EVIDENCE. THIS IS THE LINE OF OUR DEFENSE AND WE DO OBJECT TO THIS BEING REPEATED SO OFTEN.</p>	<p>RELATION TO WHAT HE IS GOING TO PROVE [space] AS BEING NOT PROVEN OUR CASE RESTS UPON A DENIAL OF THAT AND WE SAY TO THE JURY THAT THEY ARE NOT GOING TO SHOW THAT BY COMPETENT EVIDENCE THIS IS THE LINE OF OUR DEFENSE AND WE DO OBJECT TO THIS BEING REPEATED SO OFTEN ~ <sup>[[15]]</sup></p> <p>[space]      &lt;PERSONAL EXCEPTION&gt;      [space] HOWARD      [space] I APPRECIATE MY FRIEND'S POSITION THAT  <i>FOR/IN[?] A FRN/DRN[?] TRIAL HE HAD ONLY/ONE[?] FN/VN[?] TO IMPRESS OURSELVES WITH HIS ACTUAL POSITION BUT/AND[?] THAT HE HAD</i></p>
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**RT**

**MU**

**BT**

**PS**

			TO HAVE HIS <i>LESSON</i> [?] WRITTEN UP FOR HIM I COULD TRUST MYSELF TO SAY IT BUT IN REGARD TO <i>MY/HIM</i> [?] READING BEFORE THIS JURY I HOPE THE GENTLEMAN WAS NOT <i>AROUND</i> [?] TO NAME WE HAVE A JURY OF <i>PD/FD</i> [?] THAT TALK IMPRESSES SO EASILY. [ <i>space</i> ] WHEN A QUESTION IS OBJECTED IT IS SOMETIMES NECESSARY TO ASK COUNSEL TO STATE THEIR POSITION [ <i>space</i> ] I PROPOSE TO SHOW ~ NOW ACTION OF YOUR COUNSEL WOULD NOT BE <i>PRNF/—</i> [?] AS SOON AS I BRING IT TO THE KNOWLEDGE <sup>655</sup> <i>OF/TO</i> [?] JOHN D. LEE I PROPOSE
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655. Beginning with “I PROPOSE TO”, the phrase to this point is in very faint pencil and possibly added later.

**RT**

**MU**

**BT**

**PS**

<p>[33]</p> <p>HOWARD: MR. MORRILL. THE COURT DIRECTS THAT YOU STATE WHAT WAS DONE AT THAT COUNCIL IN CEDAR CITY ?</p> <p>A. AS I SAID IN THE FIRST TRIAL THERE APPEARED TO BE SOME CONFUSION, IN THAT COUNCIL. I INQUIRED IN A FRIENDLY</p>	<p>HOWARD—MR. MORRILL, THE COURT DIRECTS THAT YOU STATE WHAT WAS DONE AT THE COUNCIL?</p> <p>ANS.—AS I SAID,</p> <p>THERE APPEARED TO BE SOME CONFUSION IN THAT COUNCIL. I ENQUIRED IN A FRIENDLY</p>	<p>HOWARD: Q. THE COURT DIRECTS THAT YOU GO ON AND STATE WHAT WAS DONE AT THAT COUNCIL AND WHAT THE RESULT WAS— IN YOUR OWN WAY?</p> <p>A. AS I STATED,</p> <p>THERE APPEARED TO BE SOME LITTLE CONFUSION IN THAT COUNCIL. I ENQUIRED IN A FRIENDLY</p>	<p>TO <del>SHOW IT</del> FOLLOW IT UP BY SHOWING NOTICE OF THAT COUNCIL BROUGHT TO JOHN D. LEE ~ [space] ANY/NO[?] OBJECTION TO IT. [space]</p> <p>THE COURT DIRECTS THAT YOU GO ON AND STATE WHAT WAS DONE AT THAT COUNCIL AND WHAT THE RESULT WAS IN YOUR OWN WAY? <del>THE COURT WILL PLEASE EXCUSE ME ON ACCOUNT I AM SOME ADVANCED IN YEARS MY MIND IS NOT SO FRESH IN REGARD TO IT.</del> [space] BISHOP DO NOT TELL ANYTHING [space] AS I STATED</p> <p>THERE APPEARED TO BE SOME LITTLE CONFUSION IN THAT COUNCIL. I INQUIRED IN A FRIENDLY</p>
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**RT****MU****BT****PS**

<p>WAY WHAT WAS UP.</p> <p>I WAS TOLD THAT THERE WAS AN EMIGRANT TRAIN THAT PASSED ALONG DOWN TO THE MOUNTAIN MEADOWS AND THAT THEY HAD MADE THREATS HERE IN CEDAR IN REGARDS TO US AS A PEOPLE, SAYING THEY WOULD DESTROY EVERY DAMN MORMON. THERE WAS AN ARMY COMING ON THE SOUTH AND NORTH AGAINST US AND IT CREATED SOME LITTLE EXCITEMENT. I MADE TWO OR THREE REPLIES, IN A KIND OF</p>	<p>WAY WHAT WAS UP.</p> <p>I WAS TOLD THAT THERE WAS AN EMIGRANT TRAIN THAT PASSED ALONG DOWN TO NEAR MOUNTAIN MEADOWS, AND THAT THEY HAD MADE THREATS IN REGARD TO US AS A PEOPLE— SAID THEY WOULD DESTROY EVERY D—D MORMON. THERE WAS AN ARMY COMING ON THE SOUTH AND NORTH, AND IT CREATED SOME LITTLE EXCITEMENT. I MADE TWO OR THREE REPLIES IN A KIND OF</p>	<p>MANNER WHAT WAS UP.</p> <p>I WAS TOLD THERE WAS AN EMIGRANT TRAIN PASSED DOWN ALONG NEAR MOUNTAIN MEADOWS, AND THAT THEY MADE THEIR THREATS TO US</p> <p>AS A PEOPLE— SIGNIFYING THEY WOULD STAY THERE AND DESTROY EVERY DAMN MORMON. THERE WAS AN ARMY COMING ON THE SSOUTH ANSDÐ ONE ON THE NORTH, AND IT CREATED SOME LITTLE EXCITEMENT. I MADE SOME TWO OR THREE REPLIES IN A FRIENDLY</p>	<p>MANNER WHAT WAS UP. THE PRINCIPLE BE SOME VERY MANY PARTIES <i>SOME FEW/HAVING[?]</i> <del>THEIR OWN ENEMIES-I COULD NOT TELL</del> AND SAID THERE WAS AN EMIGRANT TRAIN PASSED ALONG DOWN NEAR MOUNTAIN MEADOWS THEY MADE THEIR THREATS IN REGARD TO US AS A PEOPLE SIGNIFYING THEY WOULD STAY THERE AND DESTROY EVERY DAMN MORMON THERE WAS AN ARMY COMING ON THE SOUTH AND ONE <sup>[[16]]</sup> ON THE NORTH</p> <p>CREATED SOME LITTLE EXCITEMENT I MADE SOME 2 OR 3 REPLIES IN A KIND OF</p>
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**RT**

**MU**

**BT**

**PS**

<p>DEBATING THE MEASURE THAT WAS BEING TAKEN INTO CONSIDERATION, AND DISCUSSING THE OBJECT, AND WHAT METHOD WE THOUGHT WOULD BE BEST TO TAKE IN REGARD TO</p>	<p>DEBATE OF MEASURES THAT WERE TAKEN INTO CONSIDERATION , DISCUSSING THE OBJECT, WHAT METHOD WE THOUGHT BEST TO TAKE IN REGARD TO</p>	<p>DEBATE, OF MEASURES THAT WERE TAKEN INTO CONSIDERATION, — DISCUSSING THE OBJECT, AND WHAT METHOD WE OUGHT TO TAKE IN REGARD TO</p>	<p>DEBATE OF MEASURES THAT WERE TAKEN IN CONSIDERATION DISCUSSING OBJECT WHAT METHOD THOUGHT BEST TO TAKE IN REGARD TO</p>
<p>PROTECTING THE LIVES OF THE CITIZENS.</p>	<p>PROTECTING THE LIVES OF THE CITIZENS.</p>	<p>PRESERVING THE LIVES OF THE CITIZENS.</p>	<p>PRESERVE LIVES OF CITIZENS</p>
<p>MY OBJECTIONS WERE NOT CO-INCIDED WITH.</p>	<p>MY OBJECTIONS WERE NOT COINCIDED WITH.</p>	<p>AFTER A WHILE WE CAME TO A CONCLUSION LIKE THIS: MY VIEWS WAS NOT CO-INSIDED WITH IN SOME TWO OR THREE STATEMENTS..</p>	<p>SPS/EXPRESS[?] PRESERVE LIVES OF CITIZENS AFTER A WHILE WE CAME TO A CONCLUSION LIKE THIS MY VIEWS WAS NOT CO-INCIDED WITH IN SOME TWO OR THREE STATEMENTS</p>
<p>AT LAST WE TOUCHED UPON THE TOPIC LIKE THIS: WE SHOULD STILL KEEP QUIET AND IT WAS ADVISED THAT A DISPATCH SHOULD BE SENT TO PRESIDENT YOUNG TO KNOW WHAT WOULD BE THE BEST COURSE.</p>	<p>AT LAST WE TOUCHED UPON THE TOPIC LIKE THIS: WE SHOULD STILL KEEP QUIET, AND A DISPATCH SHOULD BE SENT TO GOVERNOR YOUNG TO KNOW WHAT WOULD BE THE BEST COURSE.</p>	<p>AT LAST WE TOUCHED UPON A TOPIC LIKE THIS: THAT ALL SHOULD BE KEPT STILL-QUIET—AND THAT THERE SHOULD BE A DISPATCH SENT TO GOVERNOR YOUNG TO KNOW WHAT WOULD BE THE BEST COURSE.</p>	<p>AT LAST WE TOUCHED UPON THE TOPIC LIKE THIS THAT ALL SHOULD KEEP STILL QUIET AND THAT THERE SHOULD BE A DISPATCH TO GOVERNOR YOUNG TO KNOW WHAT WOULD BE THE BEST COURSE</p>

**RT**

**MU**

**BT**

**PS**

<p>A VOTE WAS TAKEN AND IT WAS UNANIMOUS. AT LEAST, I CONSIDERED IT SO. IT SEEMED TO BE THE UNDERSTANDING THAT ON THE COMING MORNING OR NEXT DAY THERE SHOULD BE A MESSENGER SENT OR DISPATCHED. I TOOK SOME PAINS TO INQUIRE AND TO KNOW IF IT WOULD BE SENT IN THE MORNING. THE PAPERS WERE SENT TO BE MADE OUT, AND GOVERNOR YOUNG WAS TO BE INFORMED AND NO HOSTILE COURSE WAS TO BE PURSUED TILL THE MESSENGER RETURNED. I WENT</p>	<p>THE VOTE WAS UNANIMOUS. I CONSIDERED IT SO. IT SEEMED TO BE THE UNDERSTANDING THAT ON THE COMING MORNING, OR NEXT DAY, THERE SHOULD BE A MESSENGER DISPATCHED. I TOOK SOME PAINS TO ENQUIRE AND KNOW IF IT WOULD BE SENT IN IN THE MORNING. THE PAPERS WERE SAID TO BE MADE OUT, AND GOVERNOR YOUNG SHOULD BE INFORMED, AND NO HOSTILE COURSE PURSUED TILL HIS RETURN. I</p>	<p>IT SEEMED TO TAKE THE VOTE ALONG, AND AFTER THAT WAS UNANIMOUS, I CONSIDERED. IT SEEMED TO BE THE UNDERSTANDING THAT ON THE COMING MORNØING OR ON THE NEXT DAY THERE SHOULD BE A MESSENGER DISPATCHED. I TOOK SOME LITTLE PAINS TO KNOW AND ENQUIRE WHETHER IT WOULD BE SENT IN THE MORNING. THE PAPERS WAS SAID TO BE MADE OUT AND GOVERNOR YOUNG SHOULD BE INFORMED, AND HAVE NO HOSTILE COURSE PURSUED TILL HIS RETURN. I PRESENTLY</p>	<p>IT SEEMED TO TAKE THE VOTE ALONG <i>AND AFTER THAT/BUT FEW[?]</i> WAS UNANIMOUS</p> <p>IT SEEMED TO BE THE UNDERSTANDING THAT ON THE COMING MORNING OR ON THE NEXT DAY THERE SHOULD BE MESSENGER DISPATCHED [space] I TOOK SOME LITTLE PAINS TO KNOW AND KNOW WHETHER IT WOULD BE SENT IN THE MORNING [space] THE PAPERS WAS SAID TO BE MADE OUT AND GOVERNOR YOUNG SHOULD BE INFORMED AND HAVE NO HOSTILE PURPOSE PURSUED TILL RETURN. I PRESENTLY</p>
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**RT**

**MU**

**BT**

**PS**

<p>BACK TO FORT JOHNSON,</p> <p>FEELING THAT ALL WAS WELL AND ALL RIGHT. ABOUT EIGHT AND FORTY HOURS BEFORE THE MESSENGER RETURNED</p> <p>BUSINESS CALLED ME TO CEDAR CITY AND WHEN I GOT THERE I <sup>[34]</sup> LEARNED THAT THE <u>JOB HAD BEEN DONE</u>, THAT IS, THAT THE DESTRUCTION OF THE EMIGRANTS</p> <p>HAD TAKEN PLACE.</p> <p>I CANNOT GIVE ANY FURTHER EVIDENCE</p>	<p>RETURNED BACK TO FORT JOHNSON,</p> <p>FEELING THAT ALL WAS WELL. ABOUT EIGHT AND FORTY HOURS BEFORE THE MESSENGER RETURNED—</p> <p>BUSINESS CALLED ME TO CEDAR CITY, AND I LEARNED THAT THE JOB HAD BEEN DONE, THAT IS, THE DESTRUCTION OF THE EMIGRANTS</p> <p>HAD TAKEN PLACE.</p> <p>I CAN'T GIVE ANY FURTHER EVIDENCE</p>	<p>TURNED BACK TO FORT JOHNSON, ABOUT 6 OR 7 MILES, FEELING THAT ALL WAS WELL. ABOUT 8 AND <sup>[7]</sup> 40 HOURS, I THINK, BEFORE THE MESSENGER HAD RETURNED, AS I LEARNED, BUSINESS CALLED ME TO CEDAR.</p> <p>I LEARNED THAT THE JOB HAD BEEN DONE; THAT IS, THAT THE DESTRUCTION AT THE MOUNTAIN MEADOWS OR THE MOUNTAIN MEADOWS MASSACRE HAD TAKEN PLACE ABOUT 8 AND 40 HOURS BEFORE THE MESSENGER HAD RETURNED. I THINK I CAN GIVE NO FURTHER INFORMATION</p>	<p>RETURNED BACK TO FORT JOHNSON ABOUT 6 OR 7 MILES FELLING THAT ALL WAS WELL [space] ABOUT 8 AND 40 HOURS I THINK BEFORE THE MESSENGER RETURNED AS I LEARNED [space] BUSINESS CALLED ME TO CEDAR</p> <p>I LEARNED THAT THE JOB HAD BEEN<sup>656</sup> DONE THAT IS THAT THE DESTRUCTION TO MOUNTAIN MEADOWS</p> <p>HAD TAKEN PLACE ABOUT 48 AND 40 HOURS BEFORE THE MESSENGER RETURNED [space] I THINK I CAN GIVE NO FURTHER INFORMATION</p>
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656. "HAD BEEN" is in the left margin.

**RT**

**MU**

**BT**

**PS**

<p>ON THE SUBJECT AT PRESENT. Q. WHAT WAS THE NAME OF THE MESSENGER SENT TO SALT LAKE WITH THAT DISPATCH? A. JAMES HASLAEM.</p> <p>CROSS - EXAMINED BY W.W.BISHOP.</p> <p>Q. YOU THINK THAT ABOUT FORTY EIGHT HOURS BEFORE THE MESSENGER RETURNED FROM SALT LAKE CITY YOU LEARNED THAT THE <u>JOB WAS DONE</u> ÷</p> <p>AND THAT THE PEOPLE WEE KILLED AT THE MOUNTAIN MEADOWS ? A. YES SIR.</p> <p>Q' DO YOU MEAN BY THAT THAT THE KILLING THAT HAD BEEN TALKED OF AT THAT COUNCIL ? A. I</p>	<p>ON THE SUBJECT AT PRESENT. WHAT WAS THE NAME OF THE MESSENGER SENT TO SALT LAKE?</p> <p>JAMES HASLEM.</p> <p>CROSS- EXAMINED BY W. W. BISHOP.—</p> <p>YOU THINK THAT ABOUT FORTY-EIGHT HOURS BEFORE THE MESSENGER RETURNED FROM SALT LAKE, YOU LEARNED THAT THE JOB WAS DONE,</p> <p>THE PEOPLE KILLED AT MOUNTAIN MEADOWS.</p> <p>DO YOU MEAN BY THAT, THE KILLING THAT HAD BEEN TALKED OF AT THAT COUNCIL? I</p>	<p>ON THE SUBJECT AT PRESENT. Q. WHAT WAS THE NAME OF THAT MESSENGER SENT TO SALT LAKE CITY?</p> <p>A. JAMES HASLAM, I TINK.</p> <p>Q. CROSS- EXAMINATION BY BISHOP.</p> <p>Q. YOU SAY THAT ABOUT 48 HOURS BEFORE THE MESSENGER RETURNED FROM SALT LAKE YOU LEARNED THAT THE THING HAD TAKEN PLACE—</p> <p>THE PEOPLE KILLED AT THE MOUNTAIN MEADOWS?</p> <p>DO YOU MEAN BY THAT THE KILLING THAT HAD BEEN TALKED OF A IN THAT COUNCIL? A. I</p>	<p>ON THE SUBJECT- AT PRESENT [<i>space</i>] WHAT WAS THE NAME OF THAT MESSENGER SENT TO SALT LAKE</p> <p>JAMES HASLAM I THINK. <sup>[[17]]</sup></p> <p>CROSS- EXAMINATION [<i>space</i>] &lt;BISHOP&gt;</p> <p>[<i>space</i>] YOU SAY THAT ABOUT 48 HOURS BEFORE THE MESSENGER RETURNED [<i>space</i>] FROM SALT LAKE YOU LEARNED THAT THE THING WAS DONE</p> <p>THE PEOPLE KILLED AT MOUNTAIN MEADOWS</p> <p>DO YOU MEAN BY THAT THE KILLING THAT HAD BEEN TALKED ABOUT IN THAT COUNCIL I</p>
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**RT**

**MU**

**BT**

**PS**

<p>SUPPOSE IT WAS SIR. Q. WHO WAS PRESENT AT THAT COUNCIL THAT YOU RECOLLECT OF ? A. MR. SMITH.</p> <p>Q. GIVE ME THE NAME OF ANY THAT WERE THERE THAT YOU CAN CALL TO MIND BESIDES ? A. I THINK ISAAC C. HAIGHT WAS THERE. Q. WAS JOHN D. LEE PRESENT ? A. NO SIR, NOT TO MY KNOWLEDGE. Q. DID YOU SEE THAT MESSENGER START TO BRIGHAM YOUNG ? A. I DID NOT. Q. DID YOU SEE THE MESSAGE THAT HE TOOK TO BRIGHAM YOUNG ?</p> <p><sup>[35]</sup> A. I DID NOT. Q. DID YOU EVER</p>	<p>SUPPOSE IT WAS, SIR. WHO <sup>[321]</sup> WAS PRESENT AT THAT COUNCIL THAT YOU RECOLLECT? MR. SMITH.</p> <p>GIVE ME THE NAME OF ANY THERE THAT YOU CAN CALL TO MIND? I THINK ISAAC C. HAIGHT WAS THERE. WAS JOHN D. LEE PRESENT? NO, SIR, NOT TO MY KNOWLEDGE. DID YOU SEE THAT MESSENGER START TO BRIGHAM YOUNG? I DID NOT. DID YOU SEE THE MESSAGE THAT HE TOOK TO BRIGHAM YOUNG?</p> <p>I DID NOT. DID YOU EVER</p>	<p>SUPPOSE IT WAS, SIR. Q. WHO WAS PRESENT AT THAT COUNCIL THAT YOU RECOLLECT OF? A. MR. SMITH— KLINGENSMITH —I RECOLLECT BUT VERY FEW THAT WAS THERE. Q. GIVE ME THE NAMES OF ANY OTHER ONES THAT YOU CAN CALL TO MIND? A. I THINK ISAAC C. HAIGHT WAS THERE. Q. WAS JOHN D. LEE PRESENT? A. NO, SIR, NOT TO MY KNOWLEDGE. Q. DID YOU SEE THAT MESSENGER START TO BRIGHAM YOUNG? A. I DID NOT. Q. DID YOU SEE THE MESSAGE THAT HE TOOK TO BRIGHAM YOUNG?</p> <p>A. I DID NOT. Q. DID YOU HEAR IT</p>	<p>SUPPOSE IT WAS SIR. <sup>[space]</sup> WHO WAS PRESENT AT THAT COUNCIL THAT YOU RECOLLECT? MR. SMITH KLINGENSMITH I RECOLLECT BUT VERY FEW THAT WAS THERE. <sup>[space]</sup> GIVE THE NAMES OF ANY OTHER ONES THAT YOU CAN CALL TO MIND I THINK ISAAC C HAIGHT WAS <sup>[space]</sup> WAS JOHN D. LEE PRESENT NO SIR NOT TO MY KNOWLEDGE DID YOU SEE THAT MESSENGER START TO BRIGHAM YOUNG I DID NOT DID YOU SEE THE MESSAGE THAT HE TOOK TO BRIGHAM YOUNG THAT WAS <del>PREPARED</del><sup>[?]</sup> BY THAT COUNCIL I DID NOT DID YOU HEAR IT</p>
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**RT**

**MU**

**BT**

**PS**

<p>REAT IT ? A. I DID NOT. Q. DID YOU KNOW OR HAVE ANY KNOWLEDGE THAT ANY WRITTEN COMMUNICATIO N WAS GIVEN BY THE COUNCIL TO ANY PERSON TO CARRY TO PRESIDENT YOUNG ? A. THE UNDERSTANDIN G OF THE COUNCIL WAS THAT ONE SHOULD BE WRITTEN OUT FOR HIM PRIOR TO HIS STARTING. Q. DO YOU KNOW OF YOUR OWN KNOWLEDGE THAT ONE WAS WRITTEN OUT ? A. I DIDN'T SEE MR. HAIGHT DO IT BUT HE SHOULD HAVE MADE IT OUT IN TIME; I DIDN'T SEE THE PAPER. Q. THEN THE UNDERSTANDIN G OF THE COUNCIL,AS I</p>	<p>READ IT? I DID NOT. DID YOU KNOW, OR HAVE ANY KNOWLEDGE THAT ANY WRITTEN COMMUNICATIO N WAS GIVEN BY THE COUNCIL TO ANY ONE TO CARRY TO PRESIDENT YOUNG? THE UNDERSTANDIN G OF THE COUNCIL WAS THAT ONE SHOULD BE WRITTEN OUT FOR HIM PRIOR TO HIS STARTING. DO YOU KNOW OF YOUR OWN KNOWLEDGE THAT ONE WAS WRITTEN OUT? I DIDN'T SEE MR. HAIGHT, BUT HE SHOULD HAVE MADE IT OUT IN TIME. I DIDN'T SEE THE PAPER. THEN THE UNDERSTANDIN G OF THE COUNCIL, AS I</p>	<p>READ? A. I DID NOT. Q. DO YOU KNOW OF YOUR OWN KNOWLEDGE THAT ANY WRITTEN COMMUNICATIO N WAS GIVEN BY THAT COUNCIL TO CARRY TO PRESIDENT YOUNG? <sup>[8]</sup> A. THE UNDERSTANDIN G OF THE COUNCIL WAS THAT THERE SHOULD BE ONE WRITTEN OUT PRIOR TO HIS STARTING. Q. DO YOU KNOW OF YOUR OWN KNOWLEDGE. QA. I DIDN'T SEE MR. HAIGHT, HE SHOULD HAVE MADE IT OUT IN TIME FOR HIM. I DIDN'T SEE THE PAPER. Q. THEN THE UNDERSTANDIN G OF THE COUNCIL, AS I</p>	<p>READ I DID NOT DO YOU KNOW OF YOUR OWN KNOWLEDGE THAT ANY WRITTEN COMMUNICATIO N WAS GIVEN BY THAT COUNCIL TO CARRY TO PRESIDENT YOUNG [space] UNDERSTANDIN G OF THE COUNCIL WAS THAT THERE SHOULD BE ONE WRITTEN OUT <i>PREPARE TO[?]</i> HIS STARTING. [space] DO YOU KNOW OF HIS OWN KNOWLEDGE [space] I DIDN'T SEE MR. HAIGHT OUGHT TO HAVE MADE IT OUT IN TIME TO HIM [space] I DIDN'T SEE THE PAPER. THEN THE UNDERSTANDIN G OF THE COUNCIL AS I</p>
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**RT****MU****BT****PS**

<p>TAKE IT, WAS THIS; THAT THE DIFFERENT PARTIES PRESENTED DIFFERENT PLANS FOR HAVING THE PEOPLE FOLLOW</p> <p>THE EMIGRANTS; THAT</p> <p>AFTER ALL THIS</p> <p>ARGUMENT IT WAS AGREED TO BY THE PARTIES THERE THAT</p> <p>A MESSENGER SHOULD GO TO BRIGHAM YOUNG FOR INSTRUCTIONS AS TO HOW THE PEOPLE SHOULD TREAT THE EMIGRANTS IN THAT TRAIN AND NOTHING SHOULD BE DONE WITH THOSE EMIGRANTS UNTIL THAT MESSENGER</p>	<p>TAKE IT, WAS THIS, THAT DIFFERENT PARTIES PRESENTED DIFFERENT PLANS FOR HAVING THE PEOPLE FOLLOW</p> <p>THE EMIGRANTS; THAT</p> <p>AFTER ALL THIS</p> <p>ARGUMENT IT WAS AGREED BY THE PARTIES THERE THAT</p> <p>A MESSENGER SHOULD GO TO BRIGHAM YOUNG FOR INSTRUCTIONS AS TO HOW THE PEOPLE SHOULD TREAT THE EMIGRANTS IN THAT TRAIN, AND NOTHING SHOULD BE DONE WITH THOSE EMIGRANTS UNTIL THAT MESSENGER</p>	<p>TAKE IT, WAS THIS: THAT DIFFERENT PARTIES PRESENTED DIFFERENT PLANS FOR HAVING THE PEOPLE FOLLOW WITH REGARD TO THE EMIGRANTS, THAT AFTERWARDS, AFTER ALL THIS CONSULTATION AND ARGUMENT IT WAS AGREED BY THE PARTIES THERE PRESENT THAT</p> <p><del>THE</del> A MESSENGER SHOULD GO TO BRIGHAM YOUNG FOR INSTRUCTIONS IN REGARD TO WHAT THE PEOPLE SHOULD DO WITH THAT TRAIN OF EMIGRANTS, AND THAT NOTHING SHOULD BE DONE TOWARD THESE EMIGRANTS UNTIL THAT MESSENGER</p>	<p>TAKE IT WAS THIS THAT DIFFERENT PARTIES PRESENTED DIFFERENT PLANS FOR HAVING THE PEOPLE FOLLOW WITH REGARD TO THE EMIGRANTS THAT AFTERWARDS AFTER ALL OF THIS CONSULTATION AND ARGUMENT IT WAS AGREED BY THE PARTIES THERE PRESENT THAT</p> <p>A MESSENGER SHOULD GO TO BRIGHAM YOUNG <sup>[[18]]</sup> FOR INSTRUCTIONS IN REGARD TO WHAT THE PEOPLE SHOULD DO WITH THAT TRAIN OF EMIGRANTS AND THAT NOTHING SHOULD BE DONE TO[?] THESE EMIGRANTS UNTIL THAT MESSENGER</p>
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**RT**

**MU**

**BT**

**PS**

<p>RETURNED? THAT WAS THE AGREEMENT, AND I UNDERSTOOD IT SO. Q. WHO ELSE DID THEY AGREE TO SEND A MESSENGER TO, IF ANY ONE ? A. I HEARD OF NO OTHER PERSON BUT GOVERNOR YOUNG, AND THAT WAS MY PROPOSITION. Q. THEN YOU NEVER HEARD OF A MESSENGER BEING SENT TO ANY OTHER PLACE OR TO ANY OTHER PARTY</p>	<p>RETURNED? THAT WAS THE AGREEMENT I UNDERSTOOD IT SO. WHO ELSE DID THEY AGREE TO SEND A MESSENGER TO? I HEARD OF NO OTHER BUT GOVERNOR YOUNG. THAT WAS MY PROPOSITION. THEN YOU NEVER HEARD OF A MESSENGER BEING SENT TO ANY OTHER PLACE, OR TO ANY OTHER PARTY,</p>	<p>RETURNED? A. THAT WAS THE AGREEMENT— I UNDERSTOOD IT SO. Q. WHO ELSE HAD THEY AGREED TO SEND A MEASSENGER TO? A. I DON'T KNOW OF ANY OTHER THAN JUST TO GOV. YOUNG.—THAT WAS MY IMPRESSION. Q. THEN YOU NEVER HEARD OF A MESSENGER BEING SENT TO ANY OTHER PLASCE OR ANYOTHER PARTY EXCEPT EXCEPT YTO PRESIDENT YOUNG AT THAT TIME, AT THAT COUNCIL?</p>	<p>RETURNED [space] THAT WAS THE AGREEMENT I UNDERSTOOD IT SO. [space] WHO ELSE HAD THEY AGREED TO SEND A MESSENGE TO [space] I DON'T KNOW OF ANY OTHER THAN JUST TO GOV. YOUNG THAT WAS MY IMPRESSION [space] THEN YOU NEVER HEARD OF A MESSENGE BEING SENT TO ANY OTHER PLACE OR ANY OTHER PARTY EXCEPT TO PRESIDENT YOUNG AT THAT TIME AT THAT COUNCIL</p>
<p>THAN THAT COUNCIL ? A. NO, I DID NOT PAY ANY ATTENTION TO ANY OTHER POINT OR WHAT WAS CONSIDERED THE PLACE TO SEND IT TO, ONLY THAT A</p>	<p>FROM THAT COUNCIL? NO, I DID NOT PAY ANY ATTENTION TO ANY OTHER POINT, OR WHAT WAS CONSIDERED;  ONLY THE ONE POINT THAT A</p>	<p>THAT COUNCIL? A. NO, I DIDN'T PAY ANY ATTENTION TO WHAT WAS CONSIDERED,  ONLY THAT ONE POINT, THAT A</p>	<p>[space] NO I DIDN'T PAY ANYTHING ANY ATTENTION TO WHAT THEY CONSIDERED AND FOR/AFTER[?] ONLY THAT ONE POINT. THAT A</p>

**RT**

**MU**

**BT**

**PS**

<p>MESSENGER SHOULD GO TO <sup>[36]</sup> PRESIDENT YOUNG. RE-DIRECT .</p> <p>Q. DID YOU UNDERSTAND THAT A MESSENGER WAS TO BE SENT DOWN TO JOHN D. LEE ? A. I DID, BUT I DID NOT SEE HIM START. I UNDERSTOOD THAT AT THE SAME TIME THE MESSENGER WAS TO BE SENT.</p> <p>Q. WHAT DID YOU UNDERSTAND ? A. I UNDERSTOOD THAT THERE WAS TO BE WORD SENT DOWN TOWARDS PINTO CREEK</p>	<p>MESSENGER SHOULD GO TO PRESIDENT YOUNG. RE-DIRECT BY HOWARD —</p> <p>DID YOU UNDERSTAND THAT A MESSENGER WAS TO BE SENT DOWN TO JOHN D. LEE? I DID, BUT IDID NOT SEE HIM START. I UNDERSTOOD THAT AT THE SAME TIME A MESSENGER WAS TO BE SENT.</p> <p>WHAT DID YOU UNDERSTAND? I UNDERSTOOD THAT THERE WAS TO BE WORD SENT DOWN TOWARDS PINTO CREEK.</p>	<p>MESSENGER SHOULD GO TO PRESIDENT YOUNG. RE-DIRECT EXAMINATION.</p> <p>Q. DID YOU NOT HEAR THAT WORD WAS TO BE SENT BELOW DOWN TO LEE? A. I DID, SIR, BUT I DIDN'T SEE HIM START. Q. YOU UNDERSTOOD THAT AT THE SAME TIME A MESSENGER WAS SENT TO LEE — WHAT DID YOU UNDERSTAND? A. I UNDERSTOOD THAT THERE WAS GOING TO BE SOMEBODY SENT DOWN TOWARDS <sup>[9]</sup> PINTO CREEK.</p>	<p>MESSENGE SHOULD GO TO PRESIDENT YOUNG [space] RE-DIRECT<sup>657</sup> EXAMINATION. <del>HAVE YOU SEE A MESSAGE/MASSAGER[?] OR HEAR ANYTHING OF A MESSAGE [space] REPEAT THAT QUESTION</del> [space] DID YOU NOT HEAR THAT WORD WAS TO BE SENT BELOW DOWN TO LEE I DID SIR [space] I DIDN'T SEE HIM START [space] YOU UNDERSTOOD THAT AT THE SAME TIME A MESSENGER WAS SENT TO LEE ~ —[?] WHAT DID YOU UNDERSTAND I UNDERSTOOD THAT THERE WAS GOING TO BE SOMEBODY SENT DOWN TOWARDS PINTO CREEK</p>
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657. "RE-CROSS" was written over "RE-DIRECT" or vice-versa.

**RT**

**MU**

**BT**

**PS**

<p>Q. FOR WHAT PURPOSE ? A. TO HAVE THE THING STAYED</p> <p>ACCORDING TO THE CONTRACT, TO AGREEMENT MADE.</p>	<p>FOR WHAT PURPOSE? TO HAVE THE THING STAYED</p> <p>ACCORDING TO CONTRACT, TO AGREEMENT MADE.</p>	<p>Q. FOR WHAT PURPOSE? A. TO HAVE THE THING STAID AS I SUPPOSED ACCORDING TO CONTRACT—TO AGREEMENT MADE. Q. NOW, <b>PERHAPS</b> BEFORE THIS JURY YOU HAD BETTER EXPLAIN WHAT YOU MEAN BY “THE THING BEING STAID.” WAS THE MASSACRE OF THAT EMIGRANT TRAIN DISCUSSED THERE AT ALL?? A. IT WAS, SIR, AND SOME WERE IN FAVOR OF IT. Q. SOME WHO WERE THEY? A; BISHOP SMITH, I CONSIDERED THE HARDEST MAN I HAD TO CONTEND WITH. Q. WHO ELSE</p>	<p>FOR WHAT PURPOSE TO HAVE THE THING STAID <i>AS/YES[?] I SUPPOSED</i> ACCORDING TO CONTRACT TO AGREEMENT MADE. NOW, PERHAPS YOU OWE IT TO THIS JURY TO EXPLAIN WHAT YOU MEAN BY HAVING THE THING STAID WAS THE MASSACRE OF THAT EMIGRANT TRAIN DISCUSSED THERE AT ALL? IT WAS SOME <sup>[[19]]</sup> AND SOME WERE IN FAVOR OF IT [<i>space</i>] SOME WAS [<i>space</i>] WHO WERE THEY? [<i>space</i>] BISHOP SMITH [<i>space</i>] I CONSIDERED THE HARDEST MAN I HAD TO CONTEND WITH WHO ELSE THAT</p>
<p>Q. WHAT DO YOU MEAN BY THE THING BEING STAYED – WAS THE MASSACRE OF THAT EMIGRANT TRAIN DISCUSSED THERE IN YOUR HEARING AT ALL ? A. IT WAS SIR, AND SOME WERE IN FAVOR OF IT AND SOME WERE NOT. Q. WHO WERE THEY ? A. BISHOP SMITH I CONSIDERED WAS THE HARDEST AMN THAT I HAD TO CONTEND WITH THERE. Q. WHO ELSE</p>	<p>WHAT DO YOU MEAN BY THE THING BEING STAYED? WAS THE MASSACRE OF THAT EMIGRANT TRAIN DISCUSSED THERE AT ALL? IT WAS, SIR; AND SOME WERE IN FAVOR OF IT, AND SOME WERE NOT. WHO WERE THEY? BISHOP SMITH, I CONSIDERED, WAS THE HARDEST MAN I HAD TO CONTEND WITH. <sup>[322]</sup> WHO ELSE</p>	<p>WHAT DO YOU MEAN BY THE THING BEING STAYED? WAS THE MASSACRE OF THAT EMIGRANT TRAIN DISCUSSED THERE AT ALL?? A. IT WAS, SIR, AND SOME WERE IN FAVOR OF IT. Q. SOME WHO WERE THEY? A; BISHOP SMITH, I CONSIDERED THE HARDEST MAN I HAD TO CONTEND WITH. Q. WHO ELSE</p>	<p>WHAT DO YOU MEAN BY HAVING THE THING STAID WAS THE MASSACRE OF THAT EMIGRANT TRAIN DISCUSSED THERE AT ALL? IT WAS SOME <sup>[[19]]</sup> AND SOME WERE IN FAVOR OF IT [<i>space</i>] SOME WAS [<i>space</i>] WHO WERE THEY? [<i>space</i>] BISHOP SMITH [<i>space</i>] I CONSIDERED THE HARDEST MAN I HAD TO CONTEND WITH WHO ELSE THAT</p>

**RT**

**MU**

**BT**

**PS**

<p>SPOKE ABOUT IT ? A. ISAAC C. HAIGHT AND ONE OR TWO OTHERS, I RECOLLECT <del>EMY</del> COMPANIONS WERE MORE THAN ANYONE</p> <p>ELSE. Q. THEY WERE ANXIOUS AND RABID WERE THEY NOT ? A. THEY SEEMED TO</p> <p>THINK IT WOULD E THE BEST TO KILL THE EMIGRANTS. SOME OF THE EMIGRANTS SWORE THAT THEY HAD KILLED OLD JOSEPH SMITH, AND THERE WAS QUITE A LITTLE EXCITEMENT THERE IN CEDAR CITY AT THAT TIME.</p>	<p>SPOKE ABOUT IT? ISAAC HAIGHT AND ONE OR TWO OTHERS. I RECOLLECT MY COMPANIONS MORE THAN ANY</p> <p>ONE ELSE. THEY WERE VERY ANXIOUS AND RABID WERE THEY NOT? THEY SEEMED TO</p> <p>THINK IT WOULD BE BEST TO KILL THE EMIGRANTS. SOME OF THE EMIGRANTS SWORE THAT THEY HAD KILLED OLD JOSEPH SMITH; THERE WAS QUITE A LITTLE EXCITEMENT THERE.</p>	<p>SPOKE ABOUT IT? A. ISAAC C. HAIGHT AND SOME ONE OR TWO. I RECOLLECT MY COMPANIONS MORE THAN ANY</p> <p>ONE ELSE. Q. THEY WERE VERY ANXIOUS AND RABBID WERE THEY NOT? A. THEY SEENED TO</p> <p>THINK THAT WOULD BE BEST TO KILL THE EMIGRANTS. SOME OF THE EMIGRANTS SWORE THAT THEY HAD KILLED OLD JOE SMITH. THERE WAS QUITE A LITTLE EXCITEMENT. SOME HAD HEARD THE STATEMENT, THEA<del>Y</del>T HAD HELPED TO KILL OLD JOE SMITH,</p>	<p>SPOKE ABOUT IT ISAAC C HAIGHT AND SOME ONE OR TWO I RECOLLECT MY COMPANIONS MORE THAN ANY <del>&lt;OTHER MEN</del> ONE ELSE.<sup>658</sup> <i>[space]</i> THEY WERE VERY ANXIOUS AND RABID WERE THEY NOT <i>[space]</i> THEY SEEMED TO <del>HAVE THE</del> THINK<sup>658</sup> THAT WOULD BE BEST <del>THING</del> MEASURE TO BE TAKEN <del>SOME OF THEM</del> <del>&lt;OF THE</del> EMIGRANTS<sup>658</sup> SWORE THAT THEY HAD KILLED OLD JOE SMITH <i>[space]</i> AND QUITE A LITTLE EXCITEMENT SOME HAD MADE THE STATEMENT THAT THEY HAD HELPED TO KILL OLD JOE SMITH</p>
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658. Word possibly added later.

**RT**

**MU**

**BT**

**PS**

<p>[37] Q. YOU HAVE GIVEN US THE NAMES OF TWO WHO WERE IN FAVOR OF KILLING THOSE EMIGRANTS -- WHO WERE THE OTHERS ? A. THOSE WERE MY COMPANIONS -- ISAAC C. HAIGHT AND KLINGENSMITH. I RECOLLECT NO OTHERS.</p> <p>Q. YOU REMEMBER THAT COUNCIL, AND THE AGREEMENT THAT THEY WOULD NOT DO ANYTHING UNTIL THE MESSENGER CAME BACK WITH WORD</p>	<p>YOU HAVE GIVEN US THE NAMES OF TWO WHO WERE IN FAVOR OF KILLING THOSE EMIGRANTS -- WHO WERE THE OTHERS? THOSE WERE MY COMPANIONS, ISAAC C. HAIGHT AND KLINGENSMITH. I RECOLLECT NO OTHERS.</p> <p>YOU REMEMBER THAT COUNCIL, AND THE AGREEMENT THAT THEY WOULD NOT DO ANYTHING UNTIL</p> <p>WORD</p>	<p>OUT OF THIS EMIGRANT TRAIN AND <b>THAT</b> MADE A LITTLE EXCITEMENT..</p> <p>Q. YOU HAVE GIVEN US THE NAMES OF TWO <b>WHO</b> WERE IN FAVOE OF <del>JKILLING</del> THESE EMIGRANTS, WHO WERE THE OTHERS? A. THOSE ARE MY COMPANIONS, ISAAC C. HAIGHT AND KLINGENSMITH. I RECOLLECT NO OTHERS.</p> <p>Q. YOU RECOLLECT THAT COUNCIL AND THE AGREEMENT THAT THEY WOULD NOT DO ANYTHIING UNTIL</p> <p>WORD</p>	<p>OUT OF THIS EMIGRANT TRAIN AND MADE LITTLE EXCITEMENT [space] YOU HAVE GIVEN US THE NAMES OF TWO WHO WERE IN FAVOR OF KILLING THOSE EMIGRANTS WHO WERE THE OTHERS [space] THOSE ARE MY COMPANIONS</p> <p>I RECOLLECT OTHERS [space] ISAAC C HAIGHT AND KLINGEN SMITH <del>THEY WHO HAD BEEN AT COUNCIL I CONSIDER IT MIGHT HAVE BEEN W/F/W/T[?]</del></p> <p>[space] YOU REMEMBER THAT COUNCIL <del>PUT[?]</del> AGREEMENT THAT THEY WOULD NOT <del>BE</del> DO ANYTHING UNTIL</p> <p>WORD</p>
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**RT**

**MU**

**BT**

**PS**

<p>FROM PRESIDENT YOUNG ? A. YES SIR. Q. ALTHOUGH YOU DIDN'T SEE EITHER OF THOSE MESSENGERS START YOU UNDERSTOOD THAT MESSENGERS WERE SENT EACH WAY ? A. YES SIR, TO STAY THE OPPOSITION UNTIL THAT MESSENGER</p> <p>RETURNED. RE-CROSS- EXAMINATION. Q. YOU SAY YOU UNDERSTOOD THE MESSENGER WAS TO BE SENT TO PINTO CREEK -- DID JOHN D. LEE LIVE AT PINTO CREEK ? A. NO, HE LIVED AT HARMONY. Q. WAS IT MENTIONED IN THAT COUNCIL THAT A</p> <p>MESSENGER WAS TO BE SENT</p>	<p>CAME BACK FROM PRESIDENT YOUNG? YES, SIR. ALTHOUGH YOU DIDN'T SEE EITHER OF THOSE MESSENGERS START, YOU UNDERSTOOD</p> <p>MESSENGERS WERE SENT EACH WAY? YES, SIR; TO STAY THE OPPOSITION UNTIL THAT MESSENGER</p> <p>RETURNED. RE-CROSS EXAMINATION— YOU SAY YOU UNDERSTOOD A</p> <p>MESSENGER WAS TO BE SENT TO PINTO CREEK. DID JOHN D. LEE LIVE AT PINTO CREEK? HE LIVED AT HARMONY. WAS IT MENTIONED IN THAT COUNCIL THAT A</p> <p>MESSENGER WAS TO BE SENT</p>	<p>CAME BACK FROM PRESIDENT YOUNG. A. YES, SIR. Q. ALTHOUGH YOU DIDN.T SEE EITHER OF THOSE MESSENGERS SENT, YOU UNDERSTOOD</p> <p>MESSENGERS WERE SENT EACH WAY? <sup>[10]</sup> A. YES, SIR, TO STAY THE OPPOSITION UNTIL THAT MESSENGER SHOULD RETURN. RE-CROSS EXAMINATION. Q. YOU SAY YOU UNDERSTOOD A</p> <p>MESSENGER TO BE SENT TO PINTO CREEK?</p> <p>A. HE LIVED AT HARMONY. Q. WAS IT MENTIONED IN THAT COUNCIL THAT A MESSAGE <b>MESSENGER</b> WAS TO BE SENT</p>	<p>CAME BACK FROM PRESIDENT YOUNG [space] YES SIR ALTHOUGH YOU DIDN'T SEE <del>ANY</del> EITHER OF THOSE MESSENGERS SENT YOU UNDERSTOOD</p> <p>MESSENGER WERE SENT EACH WAY YES SIR TO STAY THE OPPOSITION UNTIL THAT MESSENGER SHOULD RETURN <sup>[[20]]</sup> RE-CROSS [space]</p> <p>YOU SAY YOU UNDERSTAND</p> <p>MESSENGER TO BE SENT TO PINTO CREEK DID JOHN D. LEE LIVE AT PINTO CREEK [space] HE LIVED AT HARMONY [space] WAS IT MENTIONED IN THAT COUNCIL [space]</p> <p><del>TO</del> GO</p>
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**RT**

**MU**

**BT**

**PS**

<p>TO PINTO CREEK TO STAY THE THING</p> <p>UNTIL THE OTHER MESSENGER THAT WAS SENT TO SALT LAKE GOT BACK ? A. UNDERSTAND ME, THERE WAS NOTHING SAID IN THAT COUNCIL IN REGARD TO PINTO, ONLY THAT THE THING SHOULD BE STAYED. THEY TOOK SUCH MEASURES TO STAY IT IS THEY THOUGHT PROPER. <del>AFC</del> AFTER THE MESSENGER, MR.</p>	<p>TO PINTO CREEK TO STAY THE THING</p> <p>UNTIL THE OTHER MESSENGER</p> <p>GOT BACK? UNDERSTAND ME, THERE WAS NOTHING SAID IN THAT COUNCIL IN REGARD TO PINTO, ONLY THAT THE THING SHOULD BE STAYED. THEY TOOK SUCH MEASURES TO STAY IT AS THEY THOUGHT PROPER. AFTER THE MESSENGER, MR.</p>	<p>TO PINTO CREEK TO STAY THE <del>EXECUTION THE</del> THING UNTIL THE OTHER MEASSENGER</p> <p>GOT <del>N</del>BACK? A. UNDERSTAND ME, THERE WAS NOTHING SAID IN THAT COUNCIL IN REGARD TO PINTO ONLY THE THING SHOULD BE STAID. THEY TOOK SUCH MEASURES TO STAY IT AS THEY THOUGHT PROPER. AFTER THE MESSENGER RETURNED, MR.</p>	<p>TO PINTO CREEK TO [<i>space</i>]</p> <p>UNDERSTAND ME NOTHING SAID IN THAT COUNCIL IN REGARD TO PINTO ONLY THE THING SHOULD BE STAID THEY TOOK SUCH<sup>659</sup> MEASURES TO STAY IT AS THEY THOUGHT PROPER [<i>space</i>] AFTER THE MESSENGER RETURNED MR &lt;I ASKED MR. HAIGHT&gt; HASLAM ABOUT IT &lt;MR. HAIGHT SAID&gt; MR. HAIGHT SAID &lt;HE</p>
<p>HASLEM RETURNED, I ASKED MR. HAIGHT ABOUT IT AND HE SAID HE ∴.PRESIDENT YOUNG ∴. HAD SENT WORD TO LET THEM PASS, OF COURSE,</p>	<p>HASLEM, RETURNED I ASKED MR. HAIGHT ABOUT IT, AND HE SAID HE</p> <p>HAD SENT WORD TO LET THEM PASS, OF COURSE.</p>	<p>HASLAM ASKED MR. HAIGHT ABOUT IT; AND MR. HAIGHT SAID HE</p> <p>HAD SENT WORD TO LET THEM PASS OF COURSE.</p>	<p>HASLAM ASKED MR. HAIGHT ABOUT IT; AND MR. HAIGHT SAID HE</p> <p>HAD SENT WORD&gt; LET THEM PASS OF COURSE</p>

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659. Word apparently added later.

**RT**

**MU**

**BT**

**PS**

<p>THAT WAS THE END OF MY EXPERIENCE IN REGARD TO IT. <i>[38]</i></p> <p>HOWARD: WHERE DID JOHN D. LEE LIVE AT THAT TIME ? A. HE LIVED AT HARMONY. Q. HOW FAR IS HARMONY FROM PINTO CREEK ? A. I DON'T KNOW. Q. WHAT WAS LEE'S POSITION AT THAT TIME ? A. HE WAS A MAN OF SOME INFLUENCE AMONG THE INDIANS, AND ALSO HELD A POSITION IN THE MILITARY. Q. WAS HE NOT INDIAN FARMER ? A. I ? THINK HE HAD DONE SOMETHING TOWARDS IT.</p>	<p>THAT WAS THE END OF MY EXPERIENCE IN REGARD TO IT.</p> <p>HOWARD— WHERE DID JOHN D. LEE LIVE AT THAT TIME? HE LIVED AT HARMONY. HOW FAR IS HARMONY FROM PINTO CREEK? I DON'T KNOW. WHAT WAS HIS POSITION AT THAT TIME? HE WAS A MAN OF SOME INFLUENCE AMONG THE INDIANS, AND ALSO HELD A POSITION IN THE MILITARY. WAS HE NOT INDIAN FARMER? I THINK HE HAD DONE SOMETHING TOWARDS IT.</p>	<p>THAT WAS THE END OF MY EXPERIENCE IN REGARD TO IT.. RE-DIRECT EXAMINATION. Q. WHERE DID JOHN D. LEE LIVE AT THAT TIME? A. LIVED AT HARMONY. Q. HOW FAR WAS HARMONY FROM PINTO CREEK? A. I DON'T KNOW. Q. WHAT WAS HIS POSITION AT THAT TIME? A. HE WAS A MAN OF SOME INFLUENCE AMONG THE INDIANS AND ALSO HELD A POSITION IN THE MILLITIA. Q. WAS HE NOT INDIAN FARMER? A. I THINK HE HAD DONE SOMETHING TOWARD IT. Q. DID YOU NOT LEARN IN THAT DISCUSSION THAT JOHN D. LEE WAS</p>	<p>THAT WAS THE END OF MY EXPERIENCE IN REGARD TO IT<sup>660</sup></p> <p>HOWARD WHERE DID JOHN D. LEE LIVE AT THAT TIME LIVED AT HARMONY HOW FAR HARMONY FROM PINTO CREEK I DON'T KNOW <i>[space]</i> WHAT WAS HIS POSITION AT THAT TIME HE WAS A MAN OF SOME INFLUENCE AMONG THE INDIANS AND ALSO HELD A POSITION IN THE MILITARY <i>[space]</i> WAS HE NOT INDIAN FARMER I THINK HE HAD DONE SOMETHING TOWARDS IT <i>[space]</i> DID YOU NOT LEARN IN THAT DISCUSSION THAT JOHN D. LEE WAS THERE</p>
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660. "TO IT" possibly added later.

**RT**

**MU**

**BT**

**PS**

<p>ONE THING I PASSED OVER THAT TOOK PLACE THAT COUNCIL; I INQUIRED BY WHAT AUTHORITY THEY WERE DOING IT, AND THEY SAID BY THEIR OWN AUTHORITY. SAYS I "HAS DAME GOT A LETTER HERE - IS THERE ANYTHING FROM MR. DAME OF PAROWAN" THEY SAID "NO" I DEMANDED A WRITTEN LETTER OR ORDER FROM HIM BEFORE I WOULD ACT AND THEY SAID THEY HAD NONE</p>	<p>ONE THING I PASSED OVER AT  THAT COUNCIL; I INQUIRED BY WHAT AUTHORITY THEY WERE DOING IT, AND THEY SAID BY THEIR OWN AUTHORITY. SAYS I, HAS DAME GOT A LETTER HERE; IS THERE ANYTHING FROM MR. DAME OF PAROWAN? THEY SAID NO. I DEMANDED A WRITTEN LETTER OR ORDER FROM HIM BEFORE I WOULD ACT; THEY SAID THEY HAD NONE.</p>	<p>WITH THE INDIANS AND THAT <del>HE WAS IN</del> <del>THEY WERE</del> <del>UNDER HIS</del> THEY WERE UNDER HIS CONTROL? OBJECTED TO AS LEADING. WITNESS: ONE THING THAT I PASSED OVER AT  THAT <del>P</del>COUNCIL, I ENQUIRED BY WHAT AUTHORITY THEY WAS DOING IT, AND THEY SAID BY <del>H</del>THEIR OWN AUTHORITY. <sup>[11]</sup> SAYS I, MR. DAME GOT A LETTER HERE — IS THERE ANYTHING FROM MR. DAME OF PAROWAN? THEY SAID NO.. I DEMANDED A WRITTEN LETTER OR ORDER FROM HIM BEFORE I WOULD ACT. THEY SAID THEY HAD NONE.</p>	<p>WITH THE INDIANS AND THAT  HE WAS IN CONTROL OBJECTED TO AS LEADING [space] ONE THING THAT I PASSED <del>ALONG</del> <del>&lt;OVER&gt;</del> AT  COUNCIL I INQUIRED BY WHAT AUTHORITY THEY WAS DOING IT [space] BY THEIR OWN AUTHORITY [space] SAYS I MR. DAME GIVEN <sup>[21]</sup> A LETTER HERE IS ANYTHING FROM MR DAME OF PAROWAN THEY SAID NO I DEMANDED A WRITTEN LETTER OR ORDER FROM HIM BEFORE I WOULD ACT THEY SAID THEY HAD NONE [space]</p>
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**RT**

**MU**

**BT**

**PS**

<p>[space]</p>	<p>JAMES HASLEM</p> <p>TESTIFIED THAT HE WENT AS A MESSENGER FROM <sup>[323]</sup> HAIGHT TO BRIGHAM YOUNG, AND THAT BRIGHAM YOUNG SENT BACK WORD THAT “THOSE MEN MUST BE PROTECTED AND ALLOWED TO GO IN PEACE.” HE GOT BACK WITH THE MESSAGE SUNDAY AFTER THE MASSACRE, AND REPORTED TO HAIGHT, WHO SAID, “IT IS TOO LATE.”</p>	<p>Q. DID YOU LEARN AT THAT TIME THAT OTHER DISCUSSIONS HAD BEEN HELD PREVIOUS TO THAT TIME— OR OTHER COUNCILS? A. I DID NOT. <del>JOHN</del> <b>JAMES HASLAM</b> SWORN FOR THE PROSECUTION-, <b>AND EXAMINED AS FOLLOWS:</b></p> <p>Q. WHERE DID YOU LIVE IN 1857? A. CEDAR CITY, IRON</p>	<p>DID YOU LEARN AT THAT TIME THAT OTHER DISCUSSIONS HAD BEEN HELD PREVIOUS TO THAT TIME OR OTHER COUNCILS I DID NOT. [space] <b>JAMES HASLEM</b> SWORN FOR THE PROSECUTION [space]</p> <p>WHERE DID YOU LIVE IN 1857 CEDAR CITY IRON</p>
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**RT**

**MU**

**BT**

**PS**

		<p>COUNTY. Q. DO YOU KNOW WHERE THE MOUNTAIN MEADOWS ARE SITUATED? A. YES, I HAVE BEEN ON THEM A GREAT MANY TIMES? Q. DO YOU KNOW WHAT COUNTY THEY ARE IN? A. I DO NOT. <del>Q.</del> <del>DEFTS.</del> COUNCIL <b>FOR PROS::</b> <del>WHA</del>SHINGTO N COUNTY, NO DOUBT ABOUT IT. Q. HOW FAR IS CEDAR FROM THIS TOWN? A. I SHOULD JUDGE ABOUT 57 MILES.</p> <p>Q. DO YOU REMEMBER THIS MOUNTAIN MEADOW MASSACRE, SO CALLED? A. I REMEMBER HEARING ABOUT IT. Q. WAS YOU THE MAN THAT WAS CALLED TO CARRY THE</p>	<p>COUNTY [space] DO YOU KNOW WHERE THE MOUNTAIN MEADOWS ARE SITUATED YES I HAVE BEEN ON THEM GOOD MANY TIMES [space] DO YOU KNOW WHAT COUNTY THEY ARE IN I DO NOT [space] COUNCIL <del>FOR DEFENSE</del> WASHINGTON COUNTY NO QUESTION ABOUT IT [space] HOW FAR IS CEDAR FROM THIS TOWN? I HAVE JUDGED ABOUT 57 MILES [space] CEDAR CITY FROM BEAVER [space] BISHOP ACTUAL DISTANCE 53 [space] DO YOU REMEMBER THIS MOUNTAIN MEADOW MASSACRE SO CALLED I REMEMBER HEARING OF IT WAS YOU THE MAN WHO WAS CALLED UPON TO CARRY A</p>
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**RT**

**MU**

**BT**

**PS**

		MESSAGE TO YOUNG? A. I WAS. Q. STATE THE PARTICULARS ABOUT <del>U</del> YOUR BEING CALLED UPON AND BY WHOM WAS IT DONE? A. IF MY MEMORY SERVES ME RIGHT, ON SEPTEMBER 7TH, 1857, ISAAC C. HAIGHT SENT WORD TO ME SAYING THAT HE WISHED TO SEE ME DOWN AT HIS <del>OFFICE</del> <b>PLACE</b> I WENT DOWN AND WHEN I GOT THERE HE TOLD ME HE HAD RE <del>X</del> CEIVED A MESSAGE FROM JOHN D. LEE THAT THE INDIANS HAD GOT THE EMIGRANTS <del>CO</del> R CORRALED ON THE MOUNTAIN MEADOWS, AND HE SAID I WISH YOU WOULD TAKE A MESSAGE FOR ME TO PRESIDENT YOUNG; I TOLD	MESSAGE TO YOUNG? <i>BN/PN[?]</i> I WAS STATE THE PARTICULARS ABOUT YOUR BEING CALLED UPON AND ALL THAT WAS DONE [ <i>space</i> ] IF MY MEMORY SERVES ME RIGHT ON SEPTEMBER 7 <sup>TH</sup> 57 ISAAC C HAIGHT SENT WORD TO ME SAYING THAT HE WISHED TO SEE ME DOWN AT HIS <i>PLACE</i> [?] I WENT DOWN WHEN I GOT THERE HE TOLD ME HE HAD RECEIVED A MESSAGE FROM JOHN D. LEE <sup>[[22]]</sup> THAT THE INDIANS HAD GOT THE EMIGRANTS CORRALLED TO THE MOUNTAIN MEADOWS AND SAID HE I WISH YOU TO TAKE A MESSAGE FROM ME TO PRESIDENT YOUNG I TOLD
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**RT**

**MU**

**BT**

**PS**

		<p>HIM I WOULD DO SO. HE ASKED ME HOW <sup>[12]</sup> SOON I WOULD BE READY; I TOLD HIM JUST AS QUICK AS I COULD GET MY HORSE.</p> <p>HE TOLD ME HE SHOULD SEND A MESSAGE DOWN TO JOHN D. LEE TO QUIET THE INDIANS AND KEEP THEM IN CHECK UNTIL I GOT BACK FROM PRESIDENT YOUNGS. I STARTED, TO THE BEST OF MY KNOWLEDGE, ABOUT HALF PAST FIVE O’CLOCK IN THE AFTERNOON— CHANGED HORSES, — GOT ONE RIGHT HERE AT BEAVER, RODE THAT TO</p>	<p>HIM I WOULD DO SO [space] HE ASKED ME HOW SOON I WOULD BE READY I TOLD HIM JUST AS QUICK AS I COULD GET MY HORSE I TOLD MY WIFE I WAS GOING TO THE CITY T[?] [space] I WAS IN THE ACT OF SADDLING WHEN HAIGHT TOLD ME HE SHOULD SEND A MESSENGER DOWN TO JOHN D. LEE TO ≪QUIET THE INDIANS≫ AND KEEP ≪THEM≫ THE INDIANS IN CHECK UNTIL I GOT BACK FROM PRESIDENT YOUNG. I STARTED, TO THE BEST OF MY KNOWLEDGE ABOUT HALF PAST FIVE ≪O’CLOCK≫ IN THE AFTERNOON AND CHANGED HORSES GOT ONE RIGHT HERE AT BEAVER RODE THAT TO</p>
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**RT**

**MU**

**BT**

**PS**

		<p>FILLMORE, GOT ANOTHER, RODE THAT ONE TO SALT CREEK;<sup>661</sup> AND WHEREVER I COUÑLD GET A RELIEF OF HORSES I GOT THEM UNTIL I GOT TO THE CITY. WHEN I GOT TO THE CITY PRESIDENT YOUNG TOLD ME TO GO AND LIE DOWN FOR TWO HOURS AND LET MY HORSE REST. ABOUT</p> <p>TWO O'OCLOCK I WAS READY TO START HOME AND I WENT TO HIM AND HE ASKED ME IF I THOUGHT I COULD START, I SAID YES; WELL, SAID HE, GO AND DON'T SPARE HORSEFLESH; THESE <del>KEN</del> MEN MUST BE PROTE<del>X</del>CTED AND ALLOWED TO GO IN PEASCE. I GOT BACK AND</p>	<p>FILLMORE GOT ANOTHER RODE THE ONE TO SALT CREEK AND WHEREVER I COULD GET A RELIEF OF HORSES I GOT THEM UNTIL I GOT TO THE CITY WHEN I GOT TO THE CITY PRESIDENT YOUNG TOLD ME TO GO AND LIE DOWN 2 HOURS AND LET MY HORSE REST AND AFTER [space] <del>THAT</del> BE AT HIS OFFICE BY 2 O'CLOCK. I DID SO AS I STARTED</p> <p>FROM HIM I ASKED ME IF I THOUGHT I COULD START [space] SAID HE GO AND DON'T SPARE HORSEFLESH THESE MEN MUST BE PROTECTED AND ALLOWED TO GO IN PEACE I GOT BACK AND</p>
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661. Nephi.

**RT**

**MU**

**BT**

**PS**

		<p>DELIVERED THE MESSAGE.. Q. WHAT TIME DID YOU PASS THROUGH HERE COMING BACK? A. TO THE BEST OF MY MEMORY IT WAS ABOUT THREE O'CLOCK ON SUNDAY MORNING AFTER THE MONDAY THAT I LEFT. Q. DID YOU SEE ON YOUR ARRIVAL HERE ANY INDIANS? WAS THERE ANY DIFICULTY BELOW HERE? A. I SAW A FEW INDIANS BETWEEN HERE AND FILLMORE. SURROUNDED A GOOD MANY TIMES BY THEM,- SOME COMING THIS WAY AND SOME GOING TO FILLMOERE. THERE WAS A BAND OF EMIGRANTS CAMPED DOWN HERE ON THE CREEK WHEN I WENYŦ UP TO THE CITY. Q. WHAT WAS THE NAME OF THAT</p>	<p>DELIVERED THE MESSAGE [<i>space</i>] WHAT TIME DID YOU PASS THROUGH HERE COMING BACK BEST OF MY MEMORY IT WAS ABOUT THREE O'CLOCK ON SUNDAY MORNING AFTER THE MONDAY THAT I LEFT <sup>[[23]]</sup> DID YOU SEE ON YOUR ARRIVAL HERE ANY INDIANS WAS THERE SOME DIFFICULTY BELOW HERE I SAW A FEW INDIANS BETWEEN HERE AND FILLMORE SURROUNDED GOOD MANY TIMES BY THEM [<i>space</i>] SOME COMING THIS WAY AND SOME GOING TO FILLMORE THERE WAS A COMPANY OF EMIGRANTS CAMPED DOWN HERE ON THE CREEK WHEN I WENT UP TO THE CITY. Q. WHAT WAS THE NAME OF THAT</p>
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RT

MU

BT

PS

		<p>EMIGRANT  TRAIN? A. I  DON'T  RECOLLECT.  Q. DON'T YOU  KNOW IT WAS  THE <del>DULE</del> <b>DUKE</b>  COMPANY? A. I  DONT  RECOLLECT.  Q. WHEN  YOU CAME  BACK FROM  SALT LAKE <del>DOD</del>  DID YOU SEE  THESE  EMIGRANTS  AGAIN? <sup>[13]</sup> A. I  DID, SIR. Q.  WHERE? A.  ABOUT NINE  MILES AND A  HALF,  MAY BE TEN—  JUST AT THE  DIVIDE.  Q. WAS THERE  SOME  DIFICULTY  BETWEEN  THESE  EMIGRANTS  AND THE  INDIANS THAT  YOU LEARNED  ABOUT AT THAT  TIME?  OBJECTED TO  AS IRRELEVANT  AND  IMMATERIÆAL,  BEING A  TRANSACTION  THAT TOOK</p>	<p>◀TRAIN OF▶  EMIGRANT? I  DON'T  RECOLLECT.  DON'T YOU  KNOW IT WAS  DUKE  COMPANY. I  DON'T  RECOLLECT  [space] ◀=&gt; WHEN  YOU CAME  BACK FROM  SALT LAKE  DID YOU SEE  THESE  EMIGRANTS  AGAIN I  DID SIR.  WHERE.  ABOUT NINE  MILES AND  HALF  MAYBE 10  JUST AT THE  DIVIDE [space]  WAS THERE  SOME  DIFFICULTY  BETWEEN  THESE  EMIGRANTS  AND THE  INDIANS THAT  YOU LEARNED  ABOUT AT THE  TIME?  OBJECTED TO  AS IRRELEVANT  AND  IMMATERIAL  ◀BEING A▶  TRANSACTION  TAKING</p>
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**RT**

**MU**

**BT**

**PS**

		<p>PLACE AFTER THE DATE CHARGED IN THE INDICTMENT AS THE DAY WHEN THE MASSACRE TOOK PLACE.</p>	<p>PLACE AFTER THE DATE CHARGED IN THE INDICTMENT AS THE DAY WHEN THE MASSACRE TOOK PLACE. HOWARD IT WAS FORESHADOWE D IN THE OPENING TO STATE FULLY <i>OF THESE ATTACKS[?]</i> THAT THIS COMPANY OF MOUNTAIN MEADOW EMIGRANTS HAD DIFFICULTY WITH THE INDIANS BEFORE THIS ALSO FORESHADOWE D BY THE TESTIMONY OF MR. MORRILL THAT THAT HE TESTIFIES &amp; C I PROPOSE TO SHOW ALL THIS IS INDICATOR OF THAT COMPANY THAT THE INDIANS THAT LIVED ABOVE HERE WERE NOT BELOW HERE THEY WERE NOT</p>
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**RT**

**MU**

**BT**

**PS**

			<p>WITH JOHN D LEE AND IF HE PROPOSES TO SHOWING THAT I PROPOSE TO SHOW THAT AT THE TIME THAT THIS MESSENGER WAS ON HIS WAY TO SALT LAKE <i>WHEN</i>[?] HE PASSED AND ON THE RETURN HERE THAT THESE SAME EMIGRANTS WERE ATTACKED BY THE THE INDIANS LIVING ABOVE HERE THAT WHEN HE CAME BACK HERE TWO OF THESE EMIGRANTS HAD BEEN SHOT BY THESE INDIANS <sup>[[24]]</sup>662 BUT <i>ONLY/ONE/WHEN</i> [?] INDIANS BEEN SHOT BY EMIGRANTS THE DAY THAT THE WOUNDED MEN [<i>space</i>] RETURNED TO THE PLACE AT KANOSH IT MAY BE</p>
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662. Line in margin covers entire page.

**RT**

**MU**

**BT**

**PS**

			<p>ANTICIPATED ~ THAT THE ONLY INDIANS THAT JOHN D. LEE HAD WITH HIM ON THE MORNING OF MASSACRE WERE HIS OWN INDIANS MEN THAT HE WAS APPOINTED FARMER OVER [space] THAT THESE INDIANS DID NOT GO BELOW HERE IT IS NOT FOR THE PURPOSE OF EXCITING ANY PREJUDICE THERE IS NO OBJECT OF THAT KIND NOTHING OF THAT KIND SHOULD BE ACCOMPLISHED WE ARE NOT HERE TO EXCITE PREJUDICE WE ARE HERE WILLING THAT THE WHOLE HISTORY OF THIS CASE SHALL COME OUT WE ARE HERE AND ◀SOLEMNLY ENGAGED▶ IN —/WHAT[?] SHOULD BE CLEAR BE</p>
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**RT**

**MU**

**BT**

**PS**

			<p>PROVED UPON THIS STAND WE ANNOUNCED THAT YESTERDAY WE ANNOUNCED IT TODAY THAT WE ARE PRESSING NO MAN UNLESS HIS HANDS HAVE BEEN RED WITH THE BLOOD OF THESE VICTIMS WE HAVE NOTHING ELSE TO DO HERE WE HAVE NO OTHER MOTION NOW <i>TO/BUT[?]</i> SAY THAT THE INDIANS WHO WERE ENGAGED HERE DURING THAT WEEK <i>[space]</i> AFFIRMATIVELY SHOWS THAT NOT ANY DOWN THERE <i>[space]</i> THAT <math>\Leftarrow</math>THAT THIS<math>\Rightarrow</math> SAME <math>\Leftarrow</math>MESSENGER<math>\Rightarrow</math> <i>LEARNED[?]</i> JOHN D. LEE LED THE ATTACK <i>[space]</i> <i>FOR/IF[?]</i> IS IN THE ORDER TO PROVE YET SIMPLY STATED I PROPOSE TO CONNECT IT WITH THE CASE</p>
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**RT**

**MU**

**BT**

**PS**

		<p>WE HAEVE AN OBJECTION TOO AS TO THE ORDER.</p> <p>ARGUED BY COUNSEL ON BOTH SIDES.</p>	<p>BY SHOWING THAT THESE EMIGRANTS WERE HERE ENGAGED WITH THESE INDIANS AT THE VERY TIME THAT JOHN D. LEE WAS ENGAGED DOWN BELOW WITH THE <i>MOUNTAIN MEADOW</i>[?] INDIANS. [<i>space</i>] BISHOP [<i>space</i>] TO PROVE A CRIME WAS BEING COMMITTED NO CONNECTION <i>OPERATION</i>[?] <i>[[25]]</i> BUT THE <i>TRUTH/ATTORNE Y</i>[?] <del>WAS</del> CAN HAVE NO CONNECTION WITH THIS CASE. ~ THAT IS IN THE PROSECUTION OF IT. [<i>space</i>] BISHOP WE HAVE WAIVES THE <i>OBJECTION</i>[?] AS TO ORDER [<i>space</i>] COURT: <del>THE TESTIMONY</del> [<i>space</i>]</p> <p>COURT: [<i>space</i>]</p>
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**RT**

**MU**

**BT**

**PS**

			THE TESTIMONY WOULD BE PREPARED RAPIDLY [space] HOWARD [space] MR. BISHOP WE HAVE THE ORDER. [space] BISHOP IT IS NOT THE ORDER OF/TO[?] THE PROOF BUT IT IS IRRELEVANT IN ANY EVENT [space] I SIMPLY PROPOSE TO PROVE BY THIS WITNESS AND ONE OR TWO OTHERS THE FACT THAT THE INDIANS LIVING ABOVE HERE WHO CLAIM THAT THEY HAD BEEN INJURED BY THIS BODY OF MOUNTAIN MEADOW EMIGRANTS NEVER FOLLOWED THEM BELOW THIS POINT FOR IN THE THEORY OF THE DEFENSE THAT POINT WILL BE CLAIMED THAT THESE EMIGRANTS WERE MASSACRED BECAUSE OF
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**RT**

**MU**

**BT**

**PS**

		<p>QUESTION WITHDRAWN. Q. WHAT TIME DID YOU GET BACK TO CEDAR? SOMETIME, I, SHOULD JUDGE, BETWEEN 10 AND 11 O'CLOCK IN THE FORENOON ON SUNDAY. Q. WAS THAT BEFORE OR AFTER THE MOUNTAIN MEADOW MASSACRE THAT YOU CAME BACK? A. WHEN I DELIVERED THE MESSAGE TO MR. HAIGHT HE SAISD IT WAS TOO LATE. Q. DID HE TELL YOU WHEN TØHE MASSACRE OCCURRED? A. HEÐ DID.</p>	<p>POISONING OX AND BECAUSE OF POISONING WATER ABOVE HERE [space] THAT WILL JUSTIFY WHOLE ATTACK ITSELF ~ [space] EMIGRANTS. QUESTION WITHDRAWN. [space] WHAT TIME DID YOU GET BACK TO CEDAR [space] SOMETIME I SHOULD JUDGE BETWEEN 10 AND 11 O'CLOCK IN THE FORENOON ON SUNDAY [space] WAS THAT BEFORE OR AFTER THE MOUNTAIN MEADOW MASSACRE THAT YOU CAME BACK [space] WHEN I DELIVERED THE MESSAGE TO MR. HAIGHT HE SAID IT WAS TOO LATE DID HE TELL YOU WHEN THE MASSACRE OCCURRED [space] HE DID NOT EXPLAIN</p>
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**RT**

**MU**

**BT**

**PS**

		<p>Q. TELL THE JURY WHAT HE SAID? A. HE DIDN'T SAY ANY MORE. HE SAID IT WAS TOO LATE.</p> <p>Q. AT THE TIME YOU STARTED TO GO TO SALRT LAKE, WAS THERE A MESSAÆGNSGER SENT IN ANOTHER DIRECTION?</p> <p>A. THERE WAS, SIR. Q. WHO WAS IT? A. JOSEPH CLØEWS.</p> <p>Q. WHAT WAS THE MESSAGE?</p> <p>A. I WON'T TELL ANYTHING BUT WHAT I KNOW. JOSEPH CLØEWS STARTED ABOUT <sup>[14]</sup> FIVE MINUTES BEFORE I DID. I HEARD ISAAC C. HAIGHT SAY TO HIM AS HE GAVE HIM THE MESSAGE, "TAKE THAT TO JOHN D. LEE AND TELL HIM TO USE ALL HIS INFLUENCE TO KEEP BACK</p>	<p>←TELL THE JURY⇒ WHAT HE SAID HE DIDN'T SAY ANY MORE HE SAID IT WAS TOO LATE <sup>[[26]]</sup></p> <p>AT THE TIME YOU STARTED TO GO TO SALT LAKE WAS THERE A MESSENGER SENT IN ANOTHER DIRECTION THERE WAS SIR WHO WAS IT JOSEPH CLEWES. <sup>[space]</sup></p> <p>WHAT WAS THE MESSAGE I WON'T TELL ANYTHING ELSE BUT WHAT I KNOW JOSEPH CLEWES STARTED ABOUT FIVE MINUTES BEFORE I DID I HEARD ISAAC C HAIGHT SAY TO HIM AS HE GAVE HIM THE MESSAGE TAKE THAT TO JOHN D. LEE AND TELL HIM TO USE ALL HIS INFLUENCE TO KEEP</p>
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**RT**

**MU**

**BT**

**PS**

		THOSE INDIANS, BACK FROM THE EMIGRANTS UNTIL HASLAM CAME BACK FROM BRIGHAM. Q. DID HE START? A. YES, SIR, IN ABOUT FIVE MINUTES. Q. DID YOU LEARN AFTERWARDS WHETHER JOHN D. LEE GOT THAT MESSAGE? A. NOLY BY HEARSAY, I NEVER HEARD THE MESSENGER SAY ANYTHOING ABOUT IT. Q. DO YOU KNOW WHERE HE IS? A. I GOT A LETTER FROM HIM ABOUT FIVE YEARS AGO. HE WAS THEN IN CALIFORNIA. I HAVE NEVER HEARD FROM HIM SINCE. EQ. HOW DID THAT MESSENGER GO AND IN WHAT DIRECTION? A. HE WENT SOUTH ON HORSEBACK, THE SAME AS I	THEM INDIANS BACK FROM THE EMIGRANTS UNTIL HASLAM COMES BACK FROM BRIGHAM [space] DID HE START [space] YES SIR ABOUT 5 MINUTES DID YOU LEARN AFTERWARDS WHETHER JOHN D. LEE GOT THAT MESSAGE ONLY FROM HEARSAY I NEVER HEARD THE MESSENGER SAY ANYTHING ABOUT IT [space] DO YOU KNOW WHERE HE IS I GOT A LETTER FROM HIM ABOUT FIVE YEARS AGO HE WAS THEN IN CALIFORNIA I HAVE NEVER HEARD FROM HIM SINCE [space] HOW DID THAT MESSENGER GO AND IN WHAT DIRECTION HE WENT SOUTH ON HORSEBACK THE SAME AS I
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**RT**

**MU**

**BT**

**PS**

		<p>WENT NORTH.. Q. WHEN YOU GOT TO SALT LAKE, WILL YOU TELL THE MESSAGE YOU DELIVERED —VERBAL MESSAGE TO GOV. YOUNG? A. I DIDN'T DELIVER ANY VERBAL MESSAGE TO GOV. YOUNG, I GAVE HIM A MESSAGE. Q. WHAT VERBAL MESSAGE DID HE GIVE YOU? A. THAT I WAS, IF I COULD STAND THE TRIP, TO GO AND TO NOT SPARE HORSE-FLESH. THEM MEN MUST BE PROTECTED IF IT TOOK ALL THE MEN IN IRON COUNTY TO DO IT; THEY MUST DEPART IN PEACE. Q. DID YOU COME BACK?? A. I DID AS QUICK AS I COULD GET MY HORSE ON THE ROAD.</p>	<p>CAME NORTH. [space] WHEN YOU GOT TO SALT LAKE WILL YOU TELL THE MESSAGE YOU DELIVERED VERBAL MESSAGE TO GOVERNOR YOUNG AND ASSOCIATES[?] I DIDN'T DELIVER ANY VERBAL MESSAGE TO GOVERNOR YOUNG, I GAVE HIM THE MESSAGE [space] WHAT VERBAL MESSAGE DID HE GIVE YOU THAT I WAS IF I COULD STAND THE TRIP TO GO TO NOT SPARE HORSE-FLESH THEM MEN MUST BE PROTECTED IF IT TOOK ALL THE MEN IN IRON COUNTY [[27]] THEY MUST DEPART IN PEACE DID YOU COME BACK I DID AS QUICK AS I COULD GET MY HORSE ON THE ROAD.</p>
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