

John D. Lee, Second Trial

Pressley Denney and  
J. C. Foster Closing Arguments

**BT**

**PS**

<p><i>[Bk 2 1]723</i> <b>(BOOK 2) MONDAY SEPT. 18TH 1876</b> PRESSLEY DENNY'S ADDRESS TO THR JURY. MAY IT PLEASE THE COURT AND GENTLEMEN OF THE JURY, WE ARE NOW DRAWING TO A CLOSE OF PROSECUTION OF ONE OF THE MOSET COLD-BLOODED MURDERS THAT HAS EVER BEEN PERPETRATED. SO FAR AS I AM CONCERNED AT THE TIME, I WOULD WILLINGLY THAT THIS SIN MIGHT PASS AWAY. I WOULD BE WILLING TO LET THE EVIL DROP HERE, AND NOT TO PLEAD OR SAY ANOTHER WORD OF THIS MOST HORRIBLE TRANSACTION; BUT, IN THE COURSE OF THIS TRIAL, IT HAS BEEN CONCLUDED OTHERWISE; AND IT NOW BECOMES MY DUTY TO MAKE A FEW OPENING REMARKS. THE CASE SO FAR, IT SEEMS TO ME, IS SO PLAIN THAT FURTHER MRMARKS SEEMS UNNECESSARY. IT SEEMS IMPOSSIBLE TO MAKE IT MORE PLAIN. IT IS AS PLAIN AS THE NOON-DAY SUN. YOU ARE HERE, GENTLEMEN OF THE JURY, SIMPLY TO PASS UPON THE GUILT OR INNOCENCE OF ONE MAN, AND THAT MAN THE PRISONER AT THE BAR. WITH ANYTHING ELASSE, YOU HAVE NOTHING TO DO. HE IS CHARGED HERE WITH THE CRIME OF MURDER - NOT WITH THE CRIME OF MURDERING ONE, AS IS GENERALLY THE CASE - NOT WITH THE CRIME OF MURDERING TWO OR THREE OR HALF A DOZEN - BUT WITH THE CRIME OF MURDERING IN COLD-BLOOD <del>VO</del>VER 120 MEN,</p>	<p><i>[[Bk 3 39 cont.]]</i> PRESSLEY DENNY ADDRESSES ADDRESSED THE JURY [<i>space</i>] PLEASE THE COURT AND GENTLEMEN OF THE JURY [<i>space</i>] WE ARE NOW DRAWING TO A CLOSE OF PROSECUTION OF ONE OF THE MOST COLDBLOODED MURDERS THAT HAS EVER BEEN PERPETRATED. SO FAR AS I AM CONCERNED GENTLEMEN OF THE JURY I WOULD WILLINGLY THAT THIS SIN MIGHT PASS AWAY I WOULD BE- WILLING TO ALLOW THE DROP VEIL HERE AND NOT TO PLEAD OR SAY ANOTHER WORD ABOUT THIS MORE THAN HORRIBLE TRANSACTION; BUT IN THE COURSE OF THIS TRIAL IT HAS BEEN CONCLUDED OTHERWISE AND IT BECOMES MY DUTY TO MAKE A FEW OPENING REMARKS. THE CASE SO FAR, IT SEEMS TO ME, IS SO PLAIN THAT FURTHER REMARK IS UNNECESSARY IT IS IMPOSSIBLE TO MAKE THAT MORE PLAIN WHICH IS AS PLAIN AS THE NOONDAY SUN. YOU ARE HERE GENTLEMEN OF THE JURY SIMPLY TO PASS UPON THE GUILT OR INNOCENCE OF ONE MAN AND THAT MAN THE PRISONER AT THE BAR. WITH ANYTHING ELSE YOU HAVE NOTHING TO DO. HE IS CHARGED HERE WITH THE CRIME OF MURDER, NOT WITH THE CRIME OF MURDERING ONE, AS IS GENERALLY THE CASE, NOT WITH THE CRIME OF MURDERING TWO OR 3 OR HALF A DOZEN BUT WITH THE CRIME OF MURDERING IN COLD BLOOD OVER 120 MEN</p>
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723. See Trial matrix, p. 3780, for RT and MU summary of proceedings.

**BT**

**PS**

<p>WOMEN AND CHILDREN. SUCH A HORRIBLE BUTCHERY, GENTLEMEN, HAS BEEN PRESENTED <del>Y</del>TO YOU FOR THE LAST THREE OR FOUR DAYS. NEVER, SINCE COURTS OF JUSTICE BEGAN, HAS THERE BEEN BROUGHT INTO COURT SUCH A CRØIME, AND I HOPE TO GOD THAT THERE NEVER MAY BE AGAIN. THIS THING HAS LAIN SILENT FOR NINETEEN YEARS. IT HAS TAKEN, GENTLEMEN OF THE JURY, ALMOST THAT TIME TO UNEARTH THESE SINS. THIS CASE CAME UP FOR TRIAL ONCE BEFORE. IT HAS BEEN SAID THAT THE DEFENDANT WAS NOT CONVICTED BECAUSE NO DIRECT ACT WAS PROVEN <sup>[2]</sup> AGAINST HIM. NO MAN CAN SAY THAT NO DIRECT ACT HAS BEEN PROVEN AGAINST HIM THIS TIME, GENTLEMEN. NO MAN CAN LOOK AT THE PRISONER AT THE BAR AND SAY THAT HIS HAND IS NOT R4ED AND CARRYING WITH IT THE BLOOD OF 120 INNOCENT VICTIMS. THE DEFENSE, IN THE OPENING OF THIS CASE, TOLD YOU THEY DEFIED THE PROSECUTION TO PROVE BY COMPETENT TESTIMONY - COMPETENT AND RELIABLE TESTIMONY- THAT THE DEFENDANT WAS GUILTY; AND YOU MIGHT UNDERSTAND FROM THAT WHAT THE DEFENSE PROPOSE TO CLAIM, THAT COMPETENT AND RELIABLE TESTIMONY IS NOT TO BE TAKEN FROM ANY BODY WHO WERE THERE AND TOOK PART OR SAW THAT HORRIBLE TRANSACTION. OUR TESTIMONY, GENTLEMEN, DOES NOT RELYUPON THAT KIND OF TESTIMONY ALONE. IT IS TRUE THERE ARE ONE OR TWO</p>	<p>WOMEN AND CHILDREN. SUCH A HORRIBLE BUTCHERY GENTLEMEN HAS BEEN PRESENTED TO YOU FOR THE LAST 2 OR 3 DAYS. NEVER SINCE COURTS OF JUSTICE BEGAN HAS BEEN BROUGHT INTO COURT <sup>[[40]]</sup> AND I HOPE TO GOD THAT ONE NEVER MAY BE AGAIN. THIS THING HAS LAIN SILENT FOR 19 YEARS. IT HAS TAKEN GENTLEMEN OF THE JURY ALMOST THAT TIME TO UNEARTH THESE SINS THIS CASE CAME UP FOR TRIAL ONCE BEFORE IT HAS BEEN SAID THAT THE DEFENDANT WAS NOT CONVICTED BECAUSE NO DIRECT ACT WAS PROVEN AGAINST HIM NO MAN CAN SAY THAT NO DIRECT ACT HAS BEEN PROVEN AGAINST HIM THIS TIME GENTLEMEN NO MAN CAN LOOK AT THE PRISONER AT THE BAR AND SAY THAT HIS HAND IS NOT NOW RED AND GORY WITH THE BLOOD OF 120 INNOCENT VICTIMS. THE DEFENSE IN THE OPENING IN THIS CASE TOLD YOU [<i>space</i>] DEFIED THE PROSECUTION TO PROVE BY COMPETENT TESTIMONY ~ COMPETENT AND RELIABLE TESTIMONY THAT THE DEFENDANT WAS GUILTY; AND YOU MIGHT UNDERSTAND BY THAT WHAT THE DEFENSE PROPOSE TO CLAIM, THAT COMPETENT OR <del>≠MOSTLY[?]</del> RELIABLE TESTIMONY IS NOT TO BE TAKEN FROM ANY BODY WHO THERE WHO SAW AND TOOK PART IN THAT HORRIBLE TRANSACTION. OUR TESTIMONY GENTLEMEN DOES NOT RELY UPON THIS KIND OF TESTIMONY ALONE. IT IS TRUE THERE ARE ONE OR TWO</p>
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**BT**

**PS**

HERE WHO TOOK  
PART IN IT; BUT,  
GENTLEMEN, WE HAVE WITNESSES  
HERE  
WHO'S TESTIMONY CAN  
NOT BE IMPEACHED. THERE IS  
ENOUGH FROM HIS OWN  
CONFESSIONS TO CONVICT HIM.  
WHAT I WISH NOW, GENTLEMEN,  
FOR A FEW MINUTES TO CALL YOUR  
ATTENTION TO, IS THE CONDITION  
OF THE COUNTRY AT THAT TIME.  
SOMETHING WAS SAID TO YOU,  
GENTLEMEN, BY MY BROTHER  
BISHOP FOR THE PROSECUTION  
DEFENSE:  
THAT HE WISHED ALL TO  
REMEMBER JOHNSONS ARMY AT  
THE NORTH, AND THE CONDITION  
OF THE INDIANS AT THE SOUTH,  
AND THE PROCLAMATION OF THE  
GOVERNOR DECLARING MARTIAL  
LAW THROUGHOUT THE  
TERRITORY. I WANT YOU,  
GENTLEMEN, TO TAKE IN THE  
SITUATION OF THE TERRITORY OF  
UTAH AT THAT TIME JUST AS IT  
WAS. THINK FOR A MOMENT,  
GENTLEMEN, OF JOHNSONS ARMY  
COMING IN AT THE NORTH. FIRST,  
THIS TRAIN OF PRRHAPS 150  
PERSONS WENDING ITS WAY  
THROUGH ECHO CANYON TO SALET  
LAKE CITY; WENDING ITS WAY  
SOUTHWARD THROUGH THE  
TERRITORY AT THAT TIME; PASSING  
THOUGH BEAVER, PAROWAN,  
CEDAR AND FINALLY  
ENCAMPING AT MOUNTAIN  
MEADOWS. ABOUT THAT TIME, OR  
IT IS PRIOR TO THIS MURDER,  
WAS THE PROCLAMATION OF THE  
GOVERNOR DECLARING MARTIAL  
LAW THROUGHOUT THE TERRITORY

HERE SOME WHO SAW ONE OR TWO  
WHO [space] PARTICIPATED BUT LAY  
THAT ASIDE GENTLEMEN  
*AND/BUT/TO[?]* THE TESTIMONY OF  
MEN WHOSE TESTIMONY CAN  
NOT BE IMPEACHED. THERE IS  
ENOUGH FROM HIS OWN  
CONFESSIONS TO CONVICT HIM.  
WHAT I WISH NOW GENTLEMEN  
FOR A FEW MINUTES TO CALL YOUR  
ATTENTION TO IS THE CONDITION  
OF THE COUNTRY AT THAT TIME.  
SOMETHING WAS SAID TIME  
BROTHER  
BISHOP'S  
DEFENSE: ~~WHICH IS~~  
THAT HE WISHED ALL TO  
REMEMBER JOHNSTONS ARMY AT  
THE NORTH UPRISING  
OF THE <sup>[[41]]</sup> INDIANS AT THE SOUTH  
[space] PROCLAMATION OF THE  
GOVERNOR DECLARING MARTIAL  
LAW THROUGHOUT THE  
TERRITORY [space] I WANT YOU  
GENTLEMEN TO TAKE IN THE  
SITUATION OF THE TERRITORY OF  
UTAH AT THAT TIME JUST AS IT  
WAS [space] THINK FOR A MOMENT  
GENTLEMEN OF JOHNSTONS ARMY  
COMING IN AT THE NORTH FIRST  
KNEW THIS TRAIN OF PERHAPS 150  
PERSONS WENDING ITS WAY  
THROUGH ECHO CANYON TO SALT  
LAKE CITY WENDING ITS WAY  
SOUTHWARD THROUGH THE  
TERRITORY AT THAT TIME PASSING  
THOUGH BEAVER PAROWAN  
CEDAR CITY AND FINALLY  
ENCAMPING AT MOUNTAIN  
MEADOWS. ABOUT THAT TIME  
*BUT[?]* IT IS PRIOR TO THIS MURDER  
WAS THE PROCLAMATION OF THE  
GOVERNOR DECLARING MARTIAL  
LAW THROUGHOUT THE TERRITORY

**BT**

**PS**

ON ACCOUNT, AS HE SUPPOSED, OF THE INVASION OF THE UNITED STATES TROOPS. I WILL SHOW THAT THESE INDIANS THAT WERE CLAIMED TO BE SO HOSTILE, WERE<sup>724</sup> WERE AT PEACE WITH ALL THE WHITES IN THIS NEIGHBORHOOD. I WILL SHOW TO YOU, GENTLEMEN OF THE JURY, THAT THE INDIANS WHICH THEY CLAIMED STIRRED UP THIS MASSACRE, NEVER PASSED BELOW BEAVER, AND TOOK NO PART IN IT; THAT THE ORIGIN OF THIS WHOLE TRANSACTION ORIGINATED SOUTH OF BEAVER, SOUTH OF PAROWAN AND EVEN SOUTH OF CEDAR; THAT THE VERY FIRST DESIGN OF THE MURDERING OF THESE EMIGRANTS ORIGINATED RIGHT AT HARMONY WHERE THE DEFENDANT WAS, AND WHERE HE HAD CONTROL OF THE INDIANS; THAT HE WAS GOING FROM THERE TO CEDAR AND THEN FROM CEDAR BACK AGAIN TO THE MEADOWS. IT ORIGINATED IN HIS VILE HEART FOR THE PURPOSE OF PILFERING AND NOTHING ELSE. THE FIRST THEN, WHICH I WISH TO CALL YOUR ATTENTION TO, IS THE REPORT OF GOVERNOR YOUNG AT THAT TIME TO JAMES W. DENVER, COMMISSIONAERY OF INDIAN AFFAIRS AT WASHINGTON, AS TO THE STATE OF INDIAN AFFAIRS AT THAT TIME. I WILL READ A PORTION OF IT WHICH I WILL CALL YOUR ATTENTION TO. [READS FROM REPORT] THAT, GENTLEMEN, IS THE PORTION OF THIS REPORT THAT I WISH WISH TO CALL YOUR

ON ACCOUNT AS HE SUPPOSED OF THE INVASION OF UNITED STATES TROOPS. I WILL SHOW THAT THESE INDIANS THAT WERE CLAIMED TO BE SO HOSTILE WERE AT PEACE WITH ALL THE WHITES IN THIS NEIGHBORHOOD I WILL SHOW TO YOU GENTLEMEN OF THE JURY THAT THE INDIANS WHICH THEY CLAIM OF STIRRING UP THIS MASSACRE NEVER PASSED BELOW BEAVER AND TOOK NO PART IN IT THAT THE ORIGIN OF THIS WHOLE TRANSACTION ORIGINATED SOUTH OF BEAVER SOUTH OF PAROWAN AND EVEN SOUTH OF CEDAR CITY. THAT THE VERY FIRST DESIGN OF THE MURDERING OF THESE EMIGRANTS ORIGINATED RIGHT AT HARMONY WHERE THE DEFENDANT WAS AND WHERE HE HAD CONTROL OF THE INDIANS AND IT WAS CARRIED FROM THERE TO CEDAR AND THEN FROM CEDAR BACK AGAIN TO THE MEADOWS. IT ORIGINATED IN HIS VILE HEART FOR THE PURPOSE OF PILFERING AND NOTHING ELSE. [space] THE FIRST THEN WHICH I SHALL CALL YOUR ATTENTION TO IS THE REPORT OF GOVERNOR YOUNG AT THAT TIME TO JAMES W DENVER, COMMISSIONER OF INDIAN AFFAIRS AT WASHINGTON AS TO THE STATE OF INDIAN AFFAIRS AT THAT TIME. I WILL READ A PORTION OF IT WHICH I WISH TO CALL YOUR [[42]] ATTENTION TO. READS<sup>724</sup> [space] THAT GENTLEMEN IS THE PORTION OF THIS REPORT WHICH I WISH TO CALL YOUR

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724. Circle drawn around the word.

**BT**

**PS**

ATTENTION TO. THE INDIANS, IN SPITE OF THE REPORT OF THEIR HOSTILITY IN WASHINGTON COUNTY, AND IN THE SOUTH WESTERN PORTION OF UTAH TERRITORY, “MANY OF THEM ARE NOW ENGAGED IN THE COMMON PURSUITS OF CIVILIZED LIFE.” AT THAT TIME, THEN, THAT THESE INDIANS PASSED SOUTHERLY, THESE INDIANS WERE UNDER THE CONTROL MOSTLY OF THE DEFENDANT, JOHN D. LEE. HE WAS FARMER, AS APPEARS FROM THE TESTIMONY OF DANIEL H. WELLS— FARMER FOR THE INDIANS AT HARMONY, THAT WERE MOSTLY ENGAGED IN THE DUTIES OF CIVILIZED LIFE. THESE, GENTLEMEN, ARE THE INDIANS WHICH THEY WOULD HAVE YOU BELIEVE WERE SO HOSTILE TO THIS EMIGRANT TRAIN AND TO THE WHITES. THESE ARE <sup>[4]</sup> THE INDIANS, GENTLEMEN, THAT PERPETRATED THIS CRIME ACCORDING TO THEIR STATEMENT OF THE THEORY. DO YOU BELIEVE IT? DO YOU BELIEVE THAT A BAND OF INDIANS THAT HAD BEEN WITH THE WHITES FOR SEVERAL YEARS, WHO WERE PARTIALLY CIVILIZED - MANY OF THEM LIVING ON FARMES - CAN YOU CONSISTENTLY BELIEVE IT? THAT TRAIN ONLY PASSED FROM CEDAR TO MOUNTAIN MEADOWS, AND TO STOP ONLY A DAY OR TWO AFTER IT ARRIVED THERE. WOULD THEY, WITHOUT ANYONE ELSE WITH A DEVILISH DESIGN IN HIS HEART. —WOULD THESE INDIAND HAVE CONCOCTED SUCH A DEPLORABLE CRIME AS THIS, TO

ATTENTION TO. THE INDIANS, *IN SPEAKING OF REPORT*[?] REFERENCE TO THE INDIANS IN WASHINGTON COUNTY AND IN THE SOUTH WESTERN PORTION OF UTAH TERRITORY “MANY OF THEM ARE NOW ENGAGED IN THE COMMON PURSUITS OF CIVILIZED LIFE”. AT THE TIME THEN THAT THIS TRAIN PASSED SOUTHWARD THESE INDIANS WERE UNDER THE CONTROL MOSTLY OF THE DEFENDANT JOHN D. LEE. HE WAS FARMER AS APPEARS FROM THE TESTIMONY OF DANIEL WELLS. FARMER FOR THE INDIANS AT HARMONY THEY WERE MOSTLY ENGAGED IN THE DUTIES OF CIVILIZED LIFE. THESE GENTLEMEN ARE THE INDIANS —[?] WHICH THEY WOULD HAVE YOU BELIEVE WERE SO HOSTILE TO THIS EMIGRANT TRAIN AND TO THE WHITES. THESE ARE THE INDIANS GENTLEMEN THAT PERPETRATED THIS CRIME ACCORDING TO THEIR STATEMENTS TO THEIR THEORY. DO YOU BELIEVE IT? DO YOU BELIEVE THAT A BAND OF INDIANS WHO HAD BEEN WITH THE WHITES FOR SEVERAL YEARS WHO WERE PARTIALLY CIVILIZED MANY OF WHOM WAS LIVING ON FARMS WOULD SUDDENLY [*space*] MIND YOU SUDDENLY BECAUSE THAT TRAIN ONLY PASSED FROM CEDAR TO MOUNTAIN MEADOWS UNTIL IT WAS STOPPED A DAY OR TWO AFTER IT ARRIVED THERE. WOULD THEY WITHOUT ANYONE ELSE PUTTING A DEVILISH DESIRE IN THEIR HEARTS WOULD THOSE INDIANS HAVE CONCOCTED SUCH DIABOLICAL CRIME

**BT**

**PS**

MASSACRE 120 INDIVIDUALS? NOT AT ALL. GENTLEMEN, THERE IS SOMETHING BACK OF ALL THIS. THE INDIANS MIGHT HAVE BEEN CIVILIZED, BUT THE WHITE MAN THAT WAS OVER THEM WAS NOT. NO GREATER SAVAGE WAS IN THAT BAND THAN THE MAN WHO WAS ~~ABOUT~~ THERE AND WAS THEIR FARMER,, AND TO WHOM THEY LOOKED FOR A GUIDE AND CONTROL AND ASSISTANCE.. THE MAN TO WHOM THEY LOOKED FOR ADVICE WAS THE MAN WHO GOVERNED IT, AND ~~FOLLOWING~~ ~~THEY FOLLOWED~~ OUT THAT ADVICE, WITH HIM AS A LEADER, ~~THEY~~ FORMED AND PLANNED AN ATTACK UPON THIS EMIGRANT TRAIN. I WILL ON THIS SAME SUBJECT FURTHER CALL YOUR ATTENTION TO THE NEXT REPORT. THIS IS DATED JANUARY 6TH, 1858. THIS REPORT, GENTLEMEN, WAS MADE AFTER THE MASSACRE. I WILL READ A PORTION OF THE REPORT WHICH I WILL REFERR TO FURTHER ON IN A LETTER OF JOHN D. LEE'S. IT IS GIVEN BY THE GOVERNOR HERE AS A PORTION OF THE REPORT, AS HE RECEIVED IT FROM THE INDIAN AGENT AT THAT TIME: "IT IS OWING TO THE DISTURBED STATE OF OUR INDIAN AFFAIRS THAT THE ACCOUNTS OF THIS QUARTER HAVE BEEN SO CONSIDERABLY AUGMENTED. IT HAS ALWAYS BEEN MY POLICY TO CONCILIATE THE NATIVE TRIBES BY MAKING THEM PRESENTS AND TREATING THEM KINDLY, CONSIDERING IT MUCH MORE ECONOMICAL TO FEED AND CLOTH

AS THIS TO MASSACRE 120 INDIVIDUALS IN TOTO. GENTLEMEN THERE IS SOMETHING PECULIAR ABOUT THAT. THE INDIANS MIGHT HAVE BEEN CIVILIZED BUT THE WHITE MAN WHO WAS OVER THEM WAS NOT NO GREATER ~~—/VIOLENCE[?]~~ SAVAGE WAS IN THAT BAND THAN THE MAN WHO WAS ~~PUT[?]~~ THERE AND WAS THEIR FARMER AND TO WHOM THEY LOOKED FOR GUIDE AND CONTROL AND ASSISTANCE A <sup>[[43]]</sup> MAN TO WHOM THEY LOOKED FOR ADVICE WAS THE MAN WHO GAVE IT AND FOLLOWING OUT THAT ADVICE WITH HIM AS THE LEADER THEY FORMED AND PLANNED TO ATTACK THIS EMIGRANT TRAIN. I WILL ON THAT SAME SUBJECT FURTHER CALL YOUR ATTENTION TO THE NEXT REPORT. THIS IS JANUARY 6 1858 [space] THIS REPORT GENTLEMEN WAS MADE AFTER THE MASSACRE AND I WILL READ A PORTION OF THE REPORT WHICH I WILL REFER TO FURTHER ~~ON[?]~~ IN A LETTER OF JOHN D. LEE IT IS GIVEN BY THE GOVERNOR HERE AS A PORTION OF THE REPORT AS HE RECEIVED IT FROM THE INDIAN AGENT AT THAT TIME. " IT IS OWING TO THE DISTURBED STATE & C [space]

**BT**

**PS**

THEM THAN TO FIGHT THEM. I HAVE THE SATISFACTION OF KNOWING THAT THIS POLICY HAS BEEN MOST EMINENTLY <sup>[5]</sup> SUCCESSFUL AND ADVANTAGEOUS, NOT ONLY TO THE SETTLEMENTS, BUT TO THE GOVERNMENT, AS WELL AS TO THE EMIGRANTS AND TRAVELERS.” THIS THEN WAS THE POLICY OF THE TERRITORY AT THAT TIME WITH REGARD TO THE INDIANS. THE POLICY WHICH THE SUPERINTENDANT HERE SAYS HAS BEEN MOST BENEFICIAL TO THE SETTLEMENTS, GOVERNMENT AND EMIGRANTS. THEIR POLICY WAS NOT THAT OF HOSTILITY TOWARD THE INDIANS, BECAUSE THEY HAD THE SETTLEMENTS HERE TO PROTECT; THEIR POLICY WAS BY PRESENTS, BY KIND TREATMENT TO MAKE THE INDIANS A FRIENDS INSTEAD OF A ~~AN EN~~ FOE. THIS, THEN, GENTLEMEN, IS THE CONDITION OF THE INDIANS IN SOUTHERN UTAH WHEN THIS EMIGRANT TRAIN PASSED THROUGH. IMAGINE YOU, GENTLEMEN, FOR A MOMENT – NOW MIND YOU THESE WHITES THAT PASSED THROUGH IN THIS TRAIN, ARE JUST THE SAME AS WHITES FROM ANY OTHER LAND. THERE IS NO PRETENSE THEN THAT THEY HAD ANY DIFFICULTY WHATEVER WITH THE INDIANS SOUTH OF HERE. ALL WHITES WITH THE INDIANS, FOR THE FIRST TIME, ARE NOT THE SAME.(?) THEY PERHAPS KNEW NOT WHETHER THEY WERE FRIENDS OF THE COMPAMNY. THEY MOST LIKELY TOOK THEM TO BE ALL THE SAME PEOPLE, CONSIDERING THEM TO BE

THIS THEN CONTAINS AT[?] THE POLICY OF THE TERRITORY AT THAT TIME WITH REGARD TO THE INDIANS THE POLICY WHICH THE SUPERINTENDENT HERE SAYS HAS BEEN MOST BENEFICIAL TO THE SETTLEMENTS GOVERNMENT AND EMIGRANTS. THEIR POLICY WAS NOT THAT OF HOSTILITY TOWARD THE UTE BECAUSE THEY HAD THE SETTLEMENTS HERE TO PROTECT THE POLICY THEN WAS BY PRESENTS BY KIND TREATMENT TO MAKE THE INDIAN A FRIEND INSTEAD OF A FOE. THIS THEN GENTLEMEN IS THE CONDITION OF THE INDIANS IN SOUTHERN UTAH WHEN THIS EMIGRANT TRAIN PASSED THROUGH. IMAGINE YOU GENTLEMEN[?] FOR A MOMENT [space] NOW MIND YOU THESE WHITES THAT PASSED THROUGH IN THIS TRAIN ARE JUST THE SAME AS WHITES FROM ANY OTHER LAND. THERE IS NO PRETENSE THEN THAT THEY HAD ANY DIFFICULTY WHATEVER WITH THE INDIANS SOUTH OF HERE. ALL WHITES TO THE INDIANS FOR THE FIRST TIME ARE THE SAME THEY PERHAPS KNEW NOT WHETHER THEY WERE FRIENDS OR FOES OF THIS COMPANY. THEY MOST LIKELY TAKING THEM TO BE ALL THE SAME PEOPLE CONSIDERING THEM TO BE



**BT**

**PS**

FRIENDS UNTIL THEY RECEIVED UNFRIENDLY TREATMENT.

WOULD THEY HAVE A DESIRE FOR REVENGE,, THAT BEING THE POLICY OF THE GOVERNMENT OF THE TERRITORY;? THAT BEING THE CONDITION OF THE INDIANS AT THAT TIME, IS IT LIKELY THAT THEY, OF THEIR OWN SELVES, WOULD ORIGINATE AND PLAN TO MURDER AN EMIGRANT TRAIN OF THAT SIZE? WHY, GENTLEMEN, JUST TAKE THE WHOLE HISTORY OF THIS COUNTRY — A TRAIN THAT EVER PASSED EAST OR WEST SINCE GOLD WAS FIRST DISCOVERED IN CALIFORNIA TO THE PRESENT TIME, AND WHERE IN THAT HISTORY HAS SUCH A MURDER BEEN PERPETRATED? WHERE IN HISTORY HAS A TRAIN, ARMED AND EQUIPED AS THEY WERE, EVER BEEN ATTACKED BY INDIANS ALONE? GENTLEMEN, AN INDIAN MAY BE BRAVE, BUT A TRAIN OF THAT KIND, ARMED AND EQUIPED AS THEY WERE, AND <sup>[6]</sup> ATTACKED AND MURDERED BY INDIANS ALONE, NEVER HAS BEEN DONE OR HEARD OF IN THE HISTORY OF THIS COUNTRY. THEY MAY ATTACK A FEW DEFENSELESS MEN; THEY MAY ATTACK A SMALL TRAIN; BUT, GENTLEMEN, WHEN IT COMES TO FORTY OR FIFTY MEN,

THEN I SAY TO YOU, GENTLEMEN, IN THE FIRST PLACE, THAT SOMEBODY ELSE BESIDES THE INDIANS WERE AT THE BOTTOM OF THE WHOLE SCHEAM

FRIENDS UNTIL THEY RECEIVED UNFRIENDLY TREATMENT THEN WOULD BE AND AS AT THAT TIME WOULD HAVE THEIR DESIRE <sup>[[44]]</sup> FOR REVENGE THAT BEING POLICY OF THE GOVERNMENT OF THE TERRITORY THAT BEING THE CONDITION OF THE INDIANS AT THAT TIME IS IT LIKELY THAT THEY OF THEIR OWN SELVES WOULD ORIGINATE AND PLAN TO MURDER AN EMIGRANT TRAIN OF THAT SIZE *[space]* WHY GENTLEMEN JUST TAKE THE WHOLE HISTORY OF THIS COUNTRY THE TRAINS THAT HAVE PASSED EAST OR WEST SINCE GOLD WAS FIRST DISCOVERED IN CALIFORNIA TO THE PRESENT TIME AND WHERE IN HISTORY HAS SUCH A MURDER BEEN PERPETRATED? WHERE IN HISTORY HAS A TRAIN ARMED AND EQUIPPED AS THEY WAS *OF THE NUMBER*[?] BEEN ATTACKED BY INDIANS ALONE. GENTLEMEN AN INDIAN MAY BE BRAVE AND HE MAY BE DANGEROUS BUT A TRAIN OF THAT KIND ARMED AND EQUIPPED AS THEY WERE TO ATTACK AND MURDER AND BY INDIANS ALONE NEVER HAS BEEN DONE OR HEARD OF IN THE HISTORY OF THIS COUNTRY. THEY MAY ATTACK A FEW DEFENSELESS MEN. THEY MAY ATTACK A SMALL TRAIN BUT GENTLEMEN WHEN IT COMES TO TRAIN OF 20 OR 30 THERE *HAS NEVER/IS ANOTHER THING*[?] *[space]* THEN I SAY TO YOU GENTLEMEN IN THE FIRST PLACE THAT SOMEBODY ELSE BESIDES THE INDIANS WERE AT THE BOTTOM OF THE WHOLE SCHEME

**BT**

**PS**

AND TRANSACTIONS, IS THERE ANY DOUBT IN REGARD TO THAT? WE FIND FROM THE TESTIMONY HERE, THAT AT THAT TIME, THE DEFENDANT, JOHN D. LEE, WAS A MAN WHO UNDERSTOOD WELL THE INDIAN LANGUAGE; WAS INDIAN INTERPRETER AT THAT PLACE; AND WAS CONSIDERED A MAN OF GREAT INFLUENCE AMONG THE INDIANS: WE FIND THAT ABOUT THAT TIME THE INDIANS BEGAN TO COLLECT AROUND IN THAT NEIGHBORHOOD; BUT THERE IS NO CONFUSION, GENTLEMEN, WHO WAS THE FIRST MAN UPON THE FIELD? THE INDIANS, HE SAYS, MADE THE FIRST ATTACK; ~~W~~WERE REPULSED AND THEN COMPELLED HIM TO JOIN IN THE ATTACK AFTERWARDS. WHILE HARMONY WAS SOME 15 OR 20 MILES AWAY FROM THE MOUNTAIN MEADOWS, WHAT WAS JOHN D. LEE DOING UPON THE GROUND THERE WHEN THAT ATTACK WAS FIRST MADE?. WHY WAS HE HIDING AND SCHEMING AROUND THERE? IN ORDER THAT THE INDIANS COULD CALL UPON HIM AND COMPEL HIM TO MAKE THE ATTACK?? HAD HE JUST HAPPENED THERE CASUALLY? HAD HE COME UP TO TRADE WITH THE EMIGRANTS? OR WAS HE OUT THERE ON A HUNTING EXPEDITION WITH THIS BAND OF INDIANS? TAKE HIS OWN STATEMENT THAT THE INDIANS FIRST MADE AN ATTACK. THESE FIRST ATTACKS WERE MADE NEARLY A WEEK—MONDAY PRIOR TO THE KILLING WHICH WAS ON FRIDAY. MR. KNIGHT MET MR. LEE ABOUT THE FIRST OF THE WEEK,

AND TRANSACTION LET'S NOW INQUIRE WHO THAT WAS. [space] WE FIND FROM THE TESTIMONY HERE THAT AT THAT TIME FORT HARMONY THE DEFENDANT JOHN D. LEE WAS A MAN WHO UNDERSTOOD WELL THE INDIAN LANGUAGE. WAS INDIAN INTERPRETER AT THAT PLACE AND WAS CONSIDERED A MAN OF GREAT INFLUENCE AMONG THE INDIANS. ~~WE~~[?] FIND THAT ABOUT THAT TIME THE INDIANS BEGAN TO COLLECT AROUND IN THAT NEIGHBORHOOD THERE IS NO CONFUSION GENTLEMEN WHO WAS THE FIRST MAN UPON THE FIELD [space] THE INDIANS HE SAYS MADE THE FIRST ATTACK WERE REPULSED AND THEN COMPELLED HIM TO JOIN IN THE ATTACK AFTERWARDS WHILE HARMONY IS SOME 15 OR 20 MILES AWAY FROM MOUNTAIN MEADOWS WHAT WAS JOHN D. LEE <sup>[[45]]</sup> DOING UPON THE GROUND THERE WHEN THAT ATTACK WAS FIRST MADE? WHY WAS HE HIDING AND SCHEMING AROUND THERE? IN ORDER THAT THE INDIANS COULD CALL UPON HIM AND COMPEL HIM TO MAKE THE ATTACK. HAD HE JUST HAPPENED THERE CASUALLY? HAD HE COME UP TO TRADE WITH THE EMIGRANTS OR WAS HE OUT WITH A HUNTING EXPEDITION WITH THIS BAND OF INDIANS? TAKE HIS OWN STATEMENT THAT THE INDIANS FIRST MADE AN ATTACK. THESE FIRST ATTACKS WERE MADE NEARLY A WEEK MONDAY PRIOR TO THE KILLING WHICH WAS ON FRIDAY. MR. KNIGHT MET MR. LEE ABOUT THE FIRST OF THE WEEK

**BT**

**PS**

WHEN HE RELATES TO HIM THIS CONVERSATION—MIND YOU THIS WAS BEFORE ANY FRIENDLY WHITE MEN WERE UPON THE GROUND, BEFORE JOHN D. LEE HAD GONE BACK TO HARMONY.—MR. KNIGHT, WHOS RESIDENCE WAS AT THAT TIME ON THE SANTA CLARSA, COMES TO THE MOUNTAIN MEADOWS THERE SIMPLY FOR THE PURPOSE OF HERDING <sup>[7]</sup> HIS CATTLE.; WHILE RETURNING HE MEETS JOHN D. LEE.— THIS WAS IN THE EARLY EARLY PART OF THE WEEK,— AND, AS HE SAYS, FIVE OR SIX DAYS PRIOR TO THE GENERAL MASSACRE. JOHN D. LEE AT THAT TIME HAD BEEN SHOT; THAT IS, HAD BULLET HOLES THROUGH HIS CLOTHES. HE THEN RELATES TO HIM THAT THE INDIANS, AFTER MAKING THE FIRST ATTACK, COMPELLED HIM TO LEAD THEM AND MAKE A SECOND ATTACK, AND HE RUN A VERY NARROW ESCAPE. NOW, THERE IS NO TESTIMONY, THAT WE HAVE BEEN ABLE TO FIND, OF ANY OTHER WHITE MAN BEING THERE ON THE GROUND EXCEPT JOHN D. LEE. WHAT WAS HE DOING THERE? WHY WAS HE LOLLING AROUND ON THE GROUND AT MOUNTAIN MEADOWS THERE IF IT WAS NOT FOR THE PURPOSE OF LEADING THAT BAND OF INDIANS TO ATTACK AND MURDER ALL THOSE EMIGRANTS?

WHEN HE WENT TO HARMONY WHY DIDN'T HE REMAIN THERE SO THEY COULD NOT CALL UPON

WHEN HE RELATES TO HIM THIS CONVERSATION. MIND YOU THIS WAS BEFORE ANY FRIENDLY WHITE MEN WERE UPON THE GROUND. BEFORE JOHN D. LEE HAD GONE BACK TO HARMONY MR. KNIGHT, WHOSE RESIDENCE WAS AT THAT TIME WAS ON THE SANTA CLARA, COMES TO MOUNTAIN MEADOWS THERE SIMPLY FOR THE PURPOSE OF HERDING HIS CATTLE. WHILE RETURNING HE MEETS JOHN D. LEE THIS WAS IN THE EARLY PART OF THE WEEK AND AS HE SAYS 5 OR 6 DAYS PRIOR TO THE GENERAL MASSACRE, JOHN D. LEE AT THAT TIME HAD BEEN SHOT; THAT IS, HAD BULLET HOLES THROUGH HIS CLOTHES HE THEN RELATES TO HIM THAT THE INDIANS AFTER MAKING THE FIRST ATTACK COMPELLED HIM TO LEAD THEM AND MAKE A SECOND AND HE RAN A VERY NARROW ESCAPE. NOW THERE IS ~~NOW~~ NO TESTIMONY THAT WE HAVE BEEN ABLE TO FIND OF ANY OTHER WHITE MAN BEING THERE ON THE GROUND EXCEPT JOHN D. LEE. WHAT WAS HE DOING THERE— WHY WAS HE LOLLING AROUND ON THE GROUND AT MOUNTAIN MEADOWS THERE IF WAS NOT FOR THE PURPOSE OF LEADING THAT BAND OF INDIANS TO THE ATTACK AND TO THE MURDER OF THOSE EMIGRANTS WHY *HAD*[?] <sup>[[46]]</sup> HE SCHEMING AROUND ON THE [*space*] PUTTING INDIANS FINALLY TO MURDER AND HIMSELF LEADING PACK AND IF HE HAD BEEN AT HOME TO HARMONY WHERE HE MIGHT HAVE BEEN THEY COULD NOT HAVE CALLED UPON

**BT**

**PS**

HIM FOR HIS AID SO EASILY? THERE IS BUT ONE CONCLUSION, GENTLEMEN: JOHN D. LEE FIRST ORIGINATED AND CONCOCTED A PLAN TO MURDER THOSE EMIGRANTS. TO CARRY OUT THIS DESIGN, HE FIRST BROUGHT AROUND HIM HIS INDIANS THAT HE HAD CHARGE OF AT HARMONY, CEDAR AND SOUTH OF THERE, AND WENT TO THE ATTACK; AND THEN AFTERWARDS, AS HE RELATES TO THE OLD MAN , HAMBLIN,

CALLED UPON THE SETTLEMENTS AND OTHER INDIANS FOR ASSISTANCE. NOW, I WISH YOU WOULD EXAMINE THE WITNESSES HERE AND SEE IF THEY ARE COMPETENT WITNESSES. EXAMINE THEM ONE BY ONE AS WE GO ALONG AND SEE IF THEY ARE RELIABLE WITNESSES; BECAUSE THE DEFENSE LAY GREAT STRESS UPON THAT; THAT NO MAN WAS RELIABLE WHO WAS THERE; NO MAN WAS RELIABLE WHO SAW THAT TRANSACTION;; NO MAN WAS RELIABLE IN ANY MANNER WHATEVER WHO HAD ANYTHING TO DO WITH IT. WE HAVE SOME TESTIMONY, AND CONSIDERABLE GENTLEMEN, FROM WITNESSES WHO WERE NOT CONNECTED WITH THE AFFAIR. FIRST, IS MR. DANIEL H. WELLS WHO HAS LIVED IN THIS TERRITORY 28 YEARS. HE IS PERHAPS KNOWN PERSONALLY TO MANY OF YOU. IF HE IS NOT <sup>[8]</sup> RELIABLE, GENTLEMEN, THERE ARE

HIM FOR HIS AID SO EASILY. THERE IS BUT ONE CONCLUSION THEN GENTLEMEN [space] JOHN D. LEE FIRST ORIGINATED AND CONCOCTED PLAN OF MURDERING THOSE EMIGRANTS. CARRYING OUT THAT DESIGN HE FIRST BROUGHT AROUND HIM HIS INDIANS THAT HE HAD CHARGE OF AT HARMONY CEDAR AND SOUTH OF THERE AND WENT TO THE ATTACK; AND THEN AFTERWARDS AS HE RELATES TO THE OLD MAN HAMBLIN WHEN THE ATTACK WAS MADE AND THEY WERE N[?] IT WAS NECESSARY BACK[?] THERE[?] AND THEN HE CALLS UPON THE SETTLEMENTS FOR

ASSISTANCE. [space] WE HAVE GENTLEMEN ~ I WISH YOU TO EXAMINE WITNESSES HERE AND SEE WHETHER THEY ARE COMPETENT WITNESSES. EXAMINE THEM ONE BY ONE AS WE GO ALONG AND SEE WHETHER THEY ARE RELIABLE WITNESSES BECAUSE THE DEFENSE LAY GREAT STRESS UPON THAT. THAT NO MAN WAS RELIABLE WHO WAS THERE, NO MAN WAS RELIABLE WHO SAW THAT TRANSACTION, NO MAN WAS RELIABLE WHO IN ANY MANNER WHATEVER HAD ANYTHING TO DO WITH IT [space] WE HAVE SOME TESTIMONY AND CONSIDERABLE GENTLEMEN THAT IS NOT CONNECTED WITH THAT *GENERAL*[?] AFFAIR FIRST IS MR. DANIEL H WELLS WHO HAS LIVED IN THIS TERRITORY 28 YEARS HE IS PERHAPS PERSONALLY KNOWN TO MANY OF YOU IF HE IS NOT RELIABLE GENTLEMEN THERE ARE

**BT**

**PS**

PLENTY OF MEN, HUNDREDS OF THEM, , IN THIS TERRITORY WHO KNOW IT. IF HE IS NOT COMPETENT AND HIS TESTIMONY IS NOT TO BE BELIEVED, MANY COULD BE BROUGHT HERE TO SHOW THAT FACT, THAT HE COULD NOT BE BELIEVED UNDER OATH. HIS TESTIMONY IS AS TO THE INFLUENCE OF JOHN D. LEE, HIS SITUATION AT HARMONY. NEXT, GENTLEMEN, IS MR. LABIAN MORRIL. HE HAS LIVED IN THIS TERRITORY 24 YEARS. HE LIVED AT THAT TIME IN IRON COUNTY AT FORT JOHNSON - AND I BELIEVE HE LIVED THERE FOR YEARS. PERHAPS MANY OF YOU KNOW HIM. IS HIS TESTIMONY RELIABLE? AND WHAT I SAID OF MR. WELLS COULD VERY EASILY BE SAID OF MR. MORRIL. IF HE IS A MAN WHO IS NOT ~~RELI~~ **TO BE BELIEVED** ~~ABLE~~, IF HE IS A MAN WHO IS NOT RELIABLE HIS NEIGHBORS, AND I WILL VENTURE TO SAY TWO THIRDS OF IRON COUNTY, KNOW HIM; HAVE THEY APPEMPTED TO IMPEACH HIM? NOT AT ALL, GENTLEMEN, SIMPLY BECAUSE THEY COULD NOT. NOW, WHAT IS HIS TESTIMONY? HE WAS AT THAT TIME LIVING A FEW MILES FROM CEDAR. HE WAS SENT FOR BUY THE AUTHORITIES AT CEDAR

AS TO WHAT SHOULD BE DONE WITH THE EMIGRANT TRAIN. NOW, RIGHT HERE, GENTLEMEN, LET US SEE WHO CALLED THIS MEETING. THIS IS THE FIRST TESTIMONY WE HAVE OF A COUNCIL AT CEDAR TO

PLENTY OF MEN HUNDREDS OF THEM IN THIS TERRITORY WHO KNOW IT [space] IF HE IS NOT COMPETENT AND HIS TESTIMONY IS NOT RELIABLE MANY COULD BE BROUGHT HERE TO SHOW THAT FACT, THAT HE COULD NOT BE BELIEVED UNDER OATH [space] HIS TESTIMONY IS AS TO THE INFLUENCE OF JOHN D LEE HIS SITUATION AT HARMONY. [space] NEXT GENTLEMEN IS MR. LABAN MORRIL [space] HE HAS LIVED IN THIS TERRITORY 24 YEARS <sup>[[47]]</sup> HE LIVED AT THAT TIME IN IRON COUNTY AT FORT JOHNSON AND I BELIEVE HE LIVES THERE YET. PERHAPS MANY OF YOU KNOW HIM. IS HIS TESTIMONY RELIABLE? AND WHAT I SAID OF MR. WELLS COULD VERY EASILY BE SAID OF MR. MORRIL IF HE IS NOT A MAN WHO IS RELIABLE IF HE IS NOT A MAN TO BE BELIEVED HIS NEIGHBORS AND I WILL VENTURE TO SAY 2/3 OF IRON COUNTY KNOW THE FACT. HAVE THEY ATTEMPTED TO IMPEACH HIM? NOT AT ALL GENTLEMEN SIMPLY BECAUSE THEY COULD NOT. NOW WHAT IS HIS TESTIMONY HE WAS AT THAT TIME LIVING A FEW MILES FROM CEDAR. HE WAS SENT FOR BY THE AUTHORITIES AT CEDAR FOR THE PURPOSE OF HOLDING A MEETING THERE TO CONSIDER WHAT SHOULD BE DONE WITH THE EMIGRANT TRAIN. NOW RIGHT HERE GENTLEMEN LET'S SEE WHO CALLED THIS MEETING. THIS IS THE FIRST TESTIMONY WE HAVE OF THE COUNCIL AT CEDAR TO

**BT**

**PS**

<p>CONSIDER WHAT WAS BEST TO BE DONE WITH THIS TRAIN. THE REASON ASSIGNED BY MR. MORRIL WAS THAT WHEN HE ARRIVED AT CEDAR A TRAIN HAD MADE THREATS. THEY HAD MADE THREATS AGAINST THE SETTLERS AND THE SETTLEMENTS. THEY DEvised A COUNCIL. MR. HAIGHT—NOW MIND YOU THIS IS THE FIRST PROCEEDING. THEY HELD A COUNCIL AND IN THAT COUNCIL IT WAS SAID BY MR. ISAAC C. HAIGHT THAT HE HAD RECEIVED A LETTER FROM JOHN D. LEE WITH REGARD TO THE SETTLERS AND THE INDIANS. NOW, WHERE DID THIS WHOLE THING ORIGINATE? NOT EXACTLY AT CEDAR; AND WHEN THE COUNCIL CALLED FOR THE FIRST TIME TO CONSIDER THIS TRANSACTION, WAS IT <sup>[9]</sup> DISCUSSED FOR THE FIRST TIME IN THAT COUNCIL? NO; BUT WHERE? JOHN D. LEE HAD, PRIOR TO THAT TIME, ORIGINATED THE PLAN TO OFFER BEFORE THAT COUNCIL. HIS PLAN WAS LAID BEFORE THEM. ISAAC C. HAIGHT HAD BEFORE RECEIVED A LETTER FROM JOHN D. LEE WITH REGARD TO THE SETTLERS AND THE INDIANS; AND WITH REGARD TO THE PLAN THAT ORIGINATED DOWN FURTHER SOUTH. IT ORIGINATED AT HARMONY. IT ORIGINATED WITH JOHN D. LEE AND NO BODY ELSE. SEEING THAT THIS TRAIN WAS WEALTHY, CAMPED ALONE AT MOUNTAIN MEADOWS</p>	<p>CONSIDER WHAT WAS BEST TO BE DONE WITH THIS TRAIN. THE REASON ASSIGNED BY MR. MORRIL WAS THAT WHEN HE ARRIVED AT CEDAR THE TRAIN HAD MADE THREATS. THEY HAD MADE THREATS AGAINST THE SETTLERS AND THE SETTLEMENTS. THEY ADVISED/DEvised[?] A COUNCIL MR. HAIGHT NOW MIND YOU THIS IS THE FIRST PROCEEDING THEY HELD A COUNCIL AND IN THAT COUNCIL IT WAS SAID BY MR. ISAAC C HAIGHT THAT HE HAD RECEIVED LETTER FROM JOHN D. LEE WITH REGARD TO THE <del>SETTLEMENTS</del> SETTLERS AND THE INDIANS. NOW WHERE DID THIS WHOLE THING ORIGINATE? NOT EXACTLY AT CEDAR AND WHEN A COUNCIL IS CALLED FOR THE FIRST TIME TO CONSIDER THIS TRANSACTION WHEN MR. [space] TESTIFIES THERE WAS IT FIRST SUGGESTED IN THAT COUNCIL NO [space] BUT WHERE JOHN D. LEE HAD PRIOR TO THAT TIME ORIGINATED THE PLAN AND OFFERED BEFORE THAT COUNCIL. HIS PLAN WAS LAID BEFORE THEM. ISAAC HAIGHT <sup>[[48]]725</sup> HAD ALREADY RECEIVED HIS LETTER FROM JOHN D. LEE WITH REGARD TO THE SETTLERS AND THE INDIANS THE PLAN THEN ORIGINATED DOWN FURTHER SOUTH [space] IT ORIGINATED AT HARMONY IT ORIGINATED WITH JOHN D. LEE AND NOBODY ELSE. SEEING THAT THIS TRAIN WAS WEALTHY CAMPED ALONE AT MOUNTAIN MEADOWS</p>
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725. Brief doodling on verso of page 47: THIS IS SPLENDID GOOD WRITING PAPER IS IT NOT [space].

**BT**

**PS**

<p>WHERE THEY COULD BE EASILY MURDERED AND THEIR GOODS TAKEN, THAT PLAN SUGGESTED ITSELF TO HIM AT ONCE. HE TRUMPS UP THIS CHARGE, THEN, THAT THE INDIANS COULD NOT BE RESTRAINED; AND HE SENDS A LETTER AT ONCE TO ISAAC C. HAIGHT ASKING FTØHEIR ASSISTANCE. MR. BISHOP: I DISLIKE TO INTERFERE WITH YOUR ARGUEMENT, <b>BUT I DON'T KNOW</b> OF ANY SUCH TESTIMONY AS THAT, THAT JOHN D. LEE HAD CALLED FOR ASSISTANCE OR WAS MENTIONED IN THAT COUNCIL. MR. DENNY: I THINK YOU WILL FIND IT IN MR. HASLAM'S TESTIMONY. RECESS TILL 2 O'CLOCK. PRESSLY DENNY'S ARGUEMENT RESUMED. IF IT PLEASE THE COURT, GENTLEMEN OF THE JURY, WHEN WE ADJOURNED WE WERE CONSIDERING THE TIME THAT MR. MORRIL WAS FIRST CALLED TO THE COUNCIL AT CEDAR. HE CAME THERE BY ORDERS. THEY HELD A COUNCIL, AND PART OF THAT COUNCIL WERE IN FAVOR OF MAKING SOME DISPOSITION OF THE EMIGRANTS. A PART OF THAT COUNCIL WERE IN FAVOR OF WAITING TILL ORDERS COULD BE RECEIVED FROM GOVERNOR YOUNG AS TO WHAT, UNDER THE CIRCUMSTANCES, WOULD BE BEST FOR THE PEOPLE AND THE SETTLEMENTS TO BE DONE. AS MR. MORRIL TESTIFIED THERE WAS</p>	<p>WHERE THEY COULD BE EASILY <i>STOPPED</i>[?] AND MURDERED AND THEIR GOODS TAKEN. THAT PLAN SUGGESTED ITSELF TO HIM AT ONCE HE TRUMPS UP THIS CHARGE THEN, THAT THE INDIANS COULD NOT BE RESTRAINED AND SENDS A LETTER AT ONCE TO ISAAC C HAIGHT ASKING THEIR ASSISTANCE [<i>space</i>] BISHOP [<i>space</i>] I DISLIKE TO INTERFERE WITH THAT ARGUMENT, BUT I CERTAINLY — [<i>space</i>] OR ANY PERSON SAID THAT JOHN D. LEE HAD CALLED FOR ASSISTANCE <i>BUT/TO</i>[?] —[?] TO ANOTHER IF JOHN D. LEE WAS MENTIONED THAT JOHN D. LEE WAS SOUTH. MR. [<i>space</i>] DENNY: TESTIMONY HASLAM [<i>space</i>] RECESS. <small>[[Bk 4 1]]726</small> <b>DENNY</b> CONTINUED [<i>space</i>] IF THE COURT PLEASE GENTLEMEN OF THE JURY WHEN WE ADJOURNED WE WERE CONSIDERING THE TIME THAT MR. MORRIL WAS FIRST CALLED TO THE COUNCIL AT CEDAR HE CAME THERE BY ORDERS THEY HELD A COUNCIL AND PART OF THAT COUNCIL WERE IN FAVOR OF MAKING SOME DISPOSITION OF THE EMIGRANTS AND PART OF THAT COUNCIL WERE FAVOR OF WAITING TILL ORDERS COULD BE RECEIVED FROM GOVERNOR YOUNG AS TO WHAT UNDER THE CIRCUMSTANCES WOULD BE BEST FOR THE PEOPLE AND THE SETTLEMENTS TO BE DONE. AS MR. MORRIL WITNESSED THERE WAS</p>
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726. The cover of Book 4 reads: **BOOK NO 4 – 2<sup>ND</sup> LEE TRIAL** [*space*] **PEOPLE VS. JOHN D. LEE** [*space*]. “**BOOK NO. 4 - 2ND LEE TRIAL**” is in Rogerson’s longhand. On the top of page 1 in Rogerson’s longhand: **TRANSCRIBED**.

**BT**

**PS**

<p>CONSIDERABLE EXCITEMENT WHEN HE ARRIVED AT CEDAT CITY, OWING TO THE THREATS WHICH <sup>[10]</sup> HAD BEEN MADE, AS HE LEARNED, BY THE EMIGRANTS. IT WAS DETERMINED IN THAT COUNCIL THQAT EVERYTHING SHOULD BE STAID, SO FAR AS THE EMIGRANTS WERE CONCERNED, TILL M A MESSENGER COULD BE SENT TO SALT LAKE WITH A DISPATCH AND RETURN. A MESSENGER - AS HE ALSO TESTIFIES, AND AS MR.HASLAM ASLSO TESTIFIES - WAS AT THE SAME TIME SENT SOUTH TO JOHN D. LEE, INSTRUCTING HIM THAT NO FURTHER PROCEEDINGS SHOULD BE TAKEN WITH REGARD TO THE EMIGRANTS UNTIL THAT MESSENGER RETURNED. THAT MESSENGER WENT,</p> <p>AND THE FACT WHICH I WISH TO CALL YOUR ATTENTION TO. IS, THAT HE MET THE INDIANS NORTH OF HERE, ,BEAVER, A PORTION OF THEM. HE WENFDED HIS WAY FORWARD TO SALT LAKE; THEY HAVE HIS MESSAGE; HE RECEIVED HIS INSTRUCTIONS AND IMMEDIATELY RETURNED. WHEN HE RETURNED TO CEDAR WITH HIS ORDERXS THE HELLISH DEED HAD BEEN COMMITTED. NOW, AS TO MR. HASLAM'S TESTIMONY; WHAT WAS THAT? YOU HEARD IT READ BY THE REPORTER. ISAAC C. HAIGHT SENT FOR MR. HASLAM TO TAKETHIS MESSAGE TO GOVERNOR YOUNG. HE TOLD HIM IN THAT CONVERSATION THZAT</p>	<p>CONSIDERABLE EXCITEMENT WHEN HE ARRIVED AT CEDAR OWING TO THE THREATS WHICH HAD BEEN MADE AS HE LEARNED BY THE EMIGRANTS IT WAS DETERMINED IN THAT COUNCIL THAT EVERYTHING SHOULD BE STAYED SO FAR AS THE EMIGRANTS WERE CONCERNED TILL A MESSENGER WAS SENT TO SALT LAKE WITH A DISPATCH AND RETURNED A MESSENGER AS HE ALSO TESTIFIES AND AS MR. HASLAM ALSO TESTIFIES WAS AT THE SAME TIME SENT SOUTH TO JOHN D. LEE THAT NO FURTHER PROCEEDING SHOULD BE TAKEN WITH REGARD TO THE EMIGRANTS UNTIL THAT MESSENGER RETURNED THAT MESSENGER WENT AND MET ONE TRAIN OF EMIGRANTS HERE AT BEAVER AND THE FACT WHICH I WISH TO CALL YOUR ATTENTION TO HE MET THE INDIANS NORTH OF HERE AT BEAVER A PORTION OF THEM [space] HE WENDED HIS WAY NORTHWARD TO SALT LAKE DELIVERED HIS MESSAGE RECEIVED HIS INSTRUCTIONS AND IMMEDIATELY RETURNED WHEN HE RETURNED TO CEDAR WITH HIS ORDERS THE HELLISH DEED HAD BEEN ACCOMPLISHED [space] NOW AS TO MR. HASLAM'S TESTIMONY WHAT WAS THAT YOU HEARD IT READ FROM THE REPORTER [space] ISAAC HAIGHT SENT FOR MR. HASLAM TO<sup>727</sup> TAKE THIS MESSAGE TO GOVERNOR YOUNG HE TOLD HIM IN THAT CONVERSATION THAT</p>
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727. Rogerson's hand symbol is in the left margin.



**BT**

**PS**

HE HAD RECEIVED A DISPATCH OR A MESSAGE OF SOME ~~KIND~~ WORD FROM JOHN D. LEE, THAT THE INDIANS HAD THE EMIGRANTS UNDER CHECK AT MOUNTAIN MEADOWS. IMMEDIATELY HE WAS DISPATCHED WITH THAT MESSAGE TO GOVERNOR YOUNG, ANOTHER MESSENGER, AS HE TELLS YOU, ~~SWAS~~ SENT TO JOHN D. LEE WITH ORDERS TO WAIT THE RETURN OF THE MESSENGER FROM THE GOVERNOR. THERE PERHAPS MIGHT NOT BE BUT ONE CONCLUSION AS TO WHAT THAT MESSAGE WOULD BE. JOHN D. LEE KNEW AT THAT TIME WHAT THE ORDERS WOULD BE; BUT HE HAD THE INDIANS THERE; HE HAD THE EMIGRANTS SURROUNDED.

HE HAD THEM AT THAT TIME MORE IN HIS POWER THAN HE EVER WOULD AGAIN. THE EMIGRANTS AT THE MOUNTAIN MEADOWS; HE FEARED THE RESULT OF THAT MESSAGE; HE FEARED THAT IF HE WAITED UNTIL THE MESSENGER RETURNED HE WOULD BE DEPRIVED OF HIS SPOILS AND HIS BOOTY. HIS ORDERS WOULD BE <sup>[11]</sup> TO LET THE EMIGRANTS GO, AS MR. HASLAM TESTIFIED HIS ORDERS WERE, AND THUS WOULD HE BE DEPRIVED OF THE GAIN HE EXPECTED TO REAP BY MURDERING THE EMIGRANTS AT THAT PLACE. WHY, IF THOSE ORDERS WERE SENT TO JOHN D' LEE TO WAIT THE RETURN OF THE

THEY HAD RECEIVED A DISPATCH OR A MESSAGE OR SOME WORD FROM JOHN D. LEE THAT THE INDIANS HAD THE EMIGRANTS UNDER CHECK AT MOUNTAIN MEADOWS IMMEDIATELY HE WAS DISPATCHED NORTH ANOTHER MESSENGER AS HE TELLS YOU WAS SENT SOUTH TO JOHN D. LEE WITH ORDERS TO WAIT THE RETURN OF THE MESSENGER AND THE MESSAGE. THERE PERHAPS BUT MIGHT NOT BE BUT ONE CONCLUSION AS TO WHAT THAT MESSAGE WOULD BE JOHN D. LEE KNEW AT THE TIME HE HAD THE INDIANS THERE HE HAD THE EMIGRANTS SURROUNDED THERE WAS AN OPPORTUNITY FOR PLUNDER THERE WAS OPPORTUNITY AN FOR DEPREDATIONS TO BE ACTED *[space]* HE HAD AT THAT TIME <sup>[12]</sup> PERHAPS MORE FULLY IN HIS POWER THAN HE EVER WOULD THE EMIGRANTS AT MOUNTAIN MEADOWS *[space]* HE FEARED TO AWAIT THE RESULT OF THAT MESSAGE HE FEARED THAT IF HE WAITED UNTIL THE MESSENGER RETURNED HE WOULD BE DEPRIVED OF HIS SPOIL AND HIS BOOTY HIS ORDERS WOULD BE TO LET THE EMIGRANTS GO AS MR. HASLAM TESTIFIES HIS ORDERS WERE AND THUS WOULD HE BE DEPRIVED OF THE GAIN WHICH HE EXPECTED TO REAP BY MURDERING THE EMIGRANTS AT THAT PLACE *[space]* WHY IF THOSE ORDERS WERE SENT TO JOHN D LEE TO WAIT THE RETURN OF THAT

**BT**

**PS**

MESSENGER, WHY DID HE NOT DO IT? WHY THE NECESSITY OF HURRYING UP THIS DEED UNLESS HE FEARED THAT IF HE WAITED THE RETURN OF ORDERS, HE WOULD NEVER BE PERMITTED TO ACCOMPLISH IT? A SUBSEQUENT HISTORY OF A PART OF THESE EMIGRANTS WILL SHOW ~~WHY~~ ONE MORE REASON WHY HE HAD TO GET POSSESSION OF IT AS SOON AS POSSIBLE. AT THIS TIME, GENTLEMEN, WE FIND THE DEFENDANT SCHEMING WITH THE INDIANS AND AGAINST THE EMIGRANTS TO ACCOMPLISH THEIR RUIN. HE IS ORDERED TO STOP; HE IS ORDERED TO STAY ALL PROCEEDINGS UNTIL AUTHORITY HAS BEEN OBTAINED FROM SALT LAKE. DOES HE DO IT? NO. MR. MORRIL TESTIFIES IT WAS **ACCOMPLISHED** 48 HOURS BEFORE THIS MESSENGER RETURNED, AND HE WENT IN ALL HASTE, ~~BUT THAT~~ THE DEED WAS ~~DONE~~ ACCOMPLISHED. THAT AT THAT TIME, THE TIME THAT THE MESSENGER LEFT <FOR> SALT LAKE, MR. WILDEN WAS THE ONLY MAN IN CHARGE. HE WAS THE ONLY MAN IN CHARGE OF THE INDIANS AT THAT PLACE. HE WAS THE ONLY MAN WHO, AT THAT TIME, HAD BEEN CONNECTED WITH THE AFFAIR. MR. ISAAC C. HAIGHT TELLS THE MESSENGER THAT HE HAS RECEIVED THIS COMMUNICATION BEFORE,— BUT MIND YOU, THIS IS THE FIRST TIME THAT MR. MORRIL KNOWS ANYTHING OF THIS COUNCIL AND THESE PROCEEDINGS; AND YET, AT THAT

MESSENGER WHY DID HE NOT DO IT WHY THE NECESSITY OF HURRYING UP THIS DEED UNLESS HE FEARED THAT IF HE WAITED THE RETURN OF ORDERS THAT *HE*[?] WOULD ~~BE~~ NEVER BE PERMITTED TO ACCOMPLISH IT [*space*] THE SUBSEQUENT HISTORY OF A PART OF THOSE EMIGRANTS WILL SHOW ONE GREAT REASON WHY HE HAD TO GET POSSESSION OF IT AS SOON AS POSSIBLE AT THIS TIME THEN GENTLEMEN WE FIND THE DEFENDANT SCHEMING WITH THE INDIANS AND AGAINST THE EMIGRANTS TO ACCOMPLISH THEIR RUIN HE IS ORDERED TO STOP HE IS ORDERED TO STAY ALL PROCEEDINGS UNTIL AUTHORITY IS OBTAINED FROM *SALT LAKE*[?] DOES HE DO IT? NO BUT ALL WITNESSES AS IS MR. MORRIL TESTIFIES 48 HOURS BEFORE THIS MESSENGER RETURNS AND HE WENT WITH ALL HASTE THE DEED WAS ACCOMPLISHED AT THAT TIME AT THE TIME MESSENGER LEFT FOR SALT LAKE MR. LEE THE DEFENDANT WAS THE ONLY MAN IN CHARGE [*space*] HE WAS THE ONLY MAN IN CONTROL OF THE INDIANS AT THAT PLACE HE WAS THE ONLY MAN WHO AT THAT TIME HAD BEEN CONNECTED WITH THE AFFAIR [*space*] ISAAC C HAIGHT DELIVERS THE MESSAGE THAT HE HAS RECEIVED THIS COMMUNICATION BEFORE BUT MIND YOU THIS IS THE FIRST TIME THAT MR. MORRIL KNOWS OF ANYTHING OF THIS COUNCIL AND THESE PROCEEDINGS AND YET AT THAT

**BT**

**PS**

TIME, WE FIND THE DEFENDANT  
HERE SCHEMING AND  
ENDEAVORING TO ACCOMPLISH  
THE RUIN OF THIS TRAIN.  
MR.  
HASLAM, NOW, DO YOU BELIEVE  
HIM? IS HE A RELIABLE WITNESS? IS  
HE A COMPETENT WITNESS? HE HAS  
LIVED IN THE TERRITORY OVER  
TWENTY YEARS. HE WAS KNOWN  
AT THAT TIME; AND HE IS PERHAPS  
KNOWN BY MANY OF YOU TO DAY.  
IS HE RELIABLE? WAS HE  
CONNECTED WITH THIS AFFAIR IN  
ANY MANNER? THEY CAN'T CLAIM  
THAT MR. HASLAM WAS AN  
ACCOMPLICE <sup>[12]</sup> IN THIS CRIME.  
IT WAS TALKED  
OVER BY ALL. THEY CAN'T  
CLAIM THAT MR. WELLS WAS AN  
ACCOMPLICE. THERE ARE THEN,  
GENTLEMEN, THREE WITNESSES  
WHO CERTAINLY, BY ALL THE  
RULES OF EVIDENCE, ARE RELIABLE  
AND TRUSTWORTHY WITNESSES.  
THEY ARE NOT ACCOMPLICES.  
THEY WERE NOT THERE AT THE  
TIME; AND FROM WHAT APPEARED  
FROM THE TESTIMONY, KNEW  
NOTHING ABOUT IT. THE  
NEXT WITNESS, GENTLEMEN, IS  
JOEL WHITE, A WITNESS WHO  
TESTIFIED ON THE FORMER TRIAL.  
HE HAS RESIDED IN THIS  
TERRITORY SOMETHING NEAR  
TWENTY YEARS; HE GAVE HIS  
TESTIMONY ON THE FORMER TRIAL,  
AND IF IT IS NOT CORRECT,  
THERE ARE CERTAINLY MANY IN  
THIS TERRITORY WHO KNOW IT.  
MOST OF HIS TESTIMONY HAS BEEN  
PUBLISHED; AND I WILL SAY RIGHT  
HERE THAT, SO FAR AS AN  
ACCOMPLICE IS CONCERNED, IF

TIME WE FIND THE DEFENDANT  
HERE SCHEMING AND  
ENDEAVORING TO ACCOMPLISH  
THE RUIN OF THIS TRAIN [space] ~~THE~~  
~~NEXT WITNESS GENTLEMEN~~ MR.  
HASLAM NOW DO YOU BELIEVE  
HIM IS HE RELIABLE WITNESS IS  
HE A COMPETENT WITNESS HE HAS  
LIVED IN THIS TERRITORY OVER  
20 YEARS HE WAS KNOWN  
AT THAT TIME HE IS PERHAPS  
KNOWN BY MANY OF YOU TODAY  
<sup>[13]</sup> IS HE RELIABLE HE WAS NOT  
CONNECTED WITH THIS AFFAIR IN  
ANY MANNER THEY CAN'T CLAIM  
THAT MR. HASLAM WAS AN  
ACCOMPLICE IN THIS CRIME [space]  
MORRILL AND YET IT WAS TALKED  
OVER BY ALL [space] THEY CAN'T  
CLAIM THAT MR. WELLS WAS AN  
ACCOMPLICE THERE THEN  
GENTLEMEN ARE 3 WITNESSES  
THAT CERTAINLY SHOULD BY ALL  
RULES OF EVIDENCE BE RELIABLE  
AND TRUSTWORTHY WITNESSES  
THEY ARE NOT ACCOMPLICES  
THEY WERE NOT THERE AT THE  
TIME AND FROM WHAT APPEARS  
FROM THE TESTIMONY KNEW  
NOTHING ABOUT IT [space] THE  
NEXT WITNESS GENTLEMEN IS  
JOEL WHITE A WITNESS WHO  
TESTIFIED ON THE FORMER TRIAL  
HE HAS RESIDED IN THIS  
TERRITORY SOMETHING NEAR  
20 YEARS HE GAVE HIS  
TESTIMONY ON THE FORMER TRIAL  
AND IF IT WAS NOT CORRECT  
THERE ARE CERTAINLY MANY IN  
THIS TERRITORY WHO KNOW IT  
MOST OF HIS TESTIMONY HAS BEEN  
PUBLISHED AND I WILL SAY RIGHT  
HERE THAT SO FAR AS AN  
ACCOMPLICE IS CONCERNED IF

**BT**

**PS**

YOU BELIEVE THAT HE TOLD THE TRUTH; IF YOU BELIEVE THAT WHAT HE HAS TOLD YOU HERE IN COURT, YOU ARE AT LIBERTY TO BELIEVE HIM THE SAME AS ANY OTHER MAN. THE SIMPLE FACT THAT A MAN MAY SEE A MURDER COMMITTED; THE SIMPLE FACT THAT A MAN MAY BE ORDERED OR COMPELLED TO TAKE PART IN A TRANSACTION WHICH IS ABHORRENT TO HIM, THAT WILL NOT RENDER HIM INCOMPETENT; AND IF YOU BELIEVE THAT HE TESTIFIED TO THE TRUTH YOU ARE AT LIBERTY TO GIVE FULL FAITH AND CREDIT TO HIS TESTIMONY. IS THERE ANYTHING IN MR. WHITE'S TESTIMONY THAT CASTS SUSPICION UPON IT? DO YOU BELIEVE, GENTLEMEN, FOR A MOMENT THAT HE DIDN'T SEE JUST WHAT HE TESTIFIES TO SEEING? WHY? THAT HE DIDN'T DO JUST WHAT HE WAS TOLD TO DO? WHAT DOES MR. WHITE TESTIFY TO? HIS TESTIMONY IN THIS CASE IS SHORT. HE WAS SENT ON A MISSION TO PINTO WITH AN ORDER. IMMEDIATELY AFTER A MESSENGER WAS STARTED TO SALT LAKE ANOTHER ONE WAS SENT TO JOHN D. LEE. HE WAS SENT WITH A MESSAGE TO PINTO —THIS, GENTLEMEN, WAS PRIOR TO THE ARRIVAL OF THE EMIGRANTS AT THAT PLACE, SHOWING THAT THE DEFENDANT HAD **BEEN** SCHEAMING AND CONNIVING PRIOR TO THE ARRIVAL OF THIS <sup>[13]</sup> TRAIN AT

YOU BELIEVE THAT HE TELLS THE TRUTH IF YOU BELIEVE THAT WHAT HE IS TELLING YOU WHAT ACTUALLY OCCURRED YOU ARE AT LIBERTY TO BELIEVE HIM THE SAME AS ANY OTHER MAN. THE SIMPLE FACT THAT A MAN MAY SEE A MURDER COMMITTED THE SIMPLE FACT THAT A MAN MAY BE ORDERED OR COMPELLED TO TAKE A PART IN A TRANSACTION WHICH IS ABHORRENT TO HIM [space]

BELIEVE THAT HE TESTIFIES TO THE TRUTH YOU ARE AT LIBERTY TO GIVE FULL FAITH AND CREDIT TO HIS TESTIMONY. IS THERE ANYTHING IN MR. WHITE'S TESTIMONY THAT CASTS SUSPICION UPON IT. DO YOU BELIEVE GENTLEMEN FOR A MOMENT THAT HE DIDN'T SEE JUST WHAT HE<sup>728</sup> TESTIFIES TO SEEING AND [space] HEAR [space] THAT HE DIDN'T DO JUST WHAT HE WAS TOLD TO DO [space] WHAT DOES MR. WHITE TESTIFY TO HIS TESTIMONY IN THIS CASE IS SHORT HE WAS SENT ON A MISSION TO PINTO WITH AN ORDER IMMEDIATELY AFTER THIS MESSENGER WAS STARTED FOR SALT LAKE AND THE OTHER WENT TO JOHN D. LEE [space] HE WAS SENT WITH A MESSAGE TO PINTO THIS GENTLEMEN WAS PRIOR TO THE ARRIVAL <sup>[[4]]</sup> OF THE EMIGRANTS AT THAT PLACE SHOWING TOO THAT THE DEFENDANT HERE HAD BEEN SCHEMING CONNIVING PRIOR <TO THE DESTRUCTION OF THAT TRAIN> TO THEIR ARRIVAL AT

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728. Rogerson's hand symbol is in the left margin.

**BT**

**PS**

THAT PLACE—JUST SENT WITH A MESSAGE TO A GENTLEMAN THERE AT PINTO TO USE HIS INFLUENCE WITH THE INDIANS TO CHECK THEM. ON THE WAY, HE TELLS YOU, THAT HE AND KLINGENSMITH, WHILE GOING ON THEIR WAY, MET JOHN D. LEE, THE DEFENDANT, COMING UP FROM HARMONY AND GOING TO CEDAR. LEE ASKS THEM WHAT THEIR MISSION WAS; AND THEY TOLD HIM THAT THEY WERE GOING TO PINTO. HE ASKS WHAT CONCLUSION THE COUNCIL AT CEDAR HAVE COME TO; AND THEY TELL HIM THAT THEY HAVE CONCLUDED TO WAIT TILL THE RETURN OF THE MESSENGER FROM SALT LAKE. HE SAYS MR. LEE'S REPLY WAS, "I HAVE SOMETHING TO SAY ABOUT THAT MYSELF"—I HAVE SOMETHING TO SAY ABOUT THAT. HE DID HAVE SOMETHING TO SAY, AND HE HAD SOMETHING TO DO ABOUT IT. HE GOES ON TO CEDAR, BUT WHAT TRANSPIRES THERE; BUT WHAT HE HAD TO SAY OR WHAT HE HAD TO DO, WE KNOW NOT: BUT THIS MUCH, GENTLEMEN, WE DO KNOW, THAT PRIOR TO THAT TIME THEY HAD AGREED TO TAKE NO ACTION IN THIS AFFAIR. THE NEXT THING WE HEAR OF JOHN D. LEE, AFTER HE TELLS MR. WHITE THAT HE HAS SOMETHING TO SAY ABOUT IT, HE IS ON THE FIELD AT THE MOUNTAIN MEADOWS LEADING IN AN ATTACK. WHAT HE HAD TO SAY, WHETHER HE CONTROLLED THAT COUNCIL, WHETHER THEY CHANGED OR WHAT THEY DID

THAT PLACE [space] HE IS SENT WITH A MESSAGE TO A GENTLEMAN THERE AT PINTO TO USE HIS INFLUENCE WITH THE INDIANS TO CHECK THEM ON THE WAY HE TELLS YOU THAT HE AND KLINGEN SMITH WERE GOING ON THE WAY THEY MET JOHN D. LEE THE DEFENDANT COMING UP FROM HARMONY AND GOING TO CEDAR HE ASKS THEIR MISSION AND THEY TELL HIM THAT THEY ARE GOING TO PINTO FOR THIS PURPOSE ASKS WHAT CONCLUSION THE COUNCIL AT CEDAR HAVE COME TO AND THEY TELL HIM THEY HAVE CONCLUDED TO WAIT TILL THE RETURN OF THE MESSENGER FROM SALT LAKE HE SAYS MR. LEE'S REPLY I HAVE SOMETHING TO SAY ABOUT THAT MYSELF [space] I HAVE SOMETHING TO SAY ABOUT THAT [space] HE DID HAVE SOMETHING TO SAY AND HE HAD SOMETHING TO DO ABOUT IT HE GOES ON TO CEDAR BUT WHAT TRANSPIRES THERE WHAT HE HAD TO SAY WHAT HE HAD TO DO WE KNOW NOT BUT THIS MUCH GENTLEMEN WE DO KNOW THAT PRIOR TO THAT TIME THEY HAD AGREED TO TAKE NO ACTION IN THIS AFFAIR AND/BUT[?] THE NEXT THING WE HEAR OF JOHN D. LEE AFTER HE TELLS MR. WHITE THAT HE HAS SOMETHING TO SAY ABOUT IT HE IS ON THE FIELD OF MOUNTAIN MEADOWS LEADING THE INDIANS IN AN ATTACK WHAT HE HAD TO SAY WHETHER HE CONTROLLED THAT COUNCIL WHETHER THEY CHANGED OR WHAT THEY DID

**BT**

**PS**

THERE, WE KNOW NOT; BUT WE DO KNOW THAT HE WENT IMMEDIATELY BACK AND LED THE ATTACK AT MOUNTAIN MEADOWS. NOW, GENTLEMEN, MR. WHITE HAS LIVED IN THIS TERRITORY OVER TWENTY YEARS. YOU SAW HIM UPON THE STAND; AND YOU CAN JUDGE FROM HIS TESTIMONY, FROM THE MANNER IN WHICH HE GAVE HIS TESTIMONY, WHETHER HE IS RELIABLE OR NOT. YOU CAN'T SAY, GENTLEMEN, THAT HE DID NOT TELL THE TRUTH, I THINK.. WELL, NOW, PASS TO THE NEXT WITNESS, MR. SAMUEL KNIGHT,. MR. KNIGHT HAS LIVED IN THIS TERRITORY 22 YEARS. CERTAINLY IF HE IS ~~AN~~ NOT RELIABLE WITNESS SOMEBODY MUST KNOW IT. IF HE IS AN UNRELIABLE <sup>[14]</sup> WITNESS JOHN D. LEE KNOWS IT; AND HE KNOWS OTHER PARTIES THAT KNOW IT. IF HE IS NOT TO BE BELIEVED WHY HAVE THEY NOT SHOWN MORE OF HIS CHARACTER HERETOFORE; THEY HAVE HAD ALL THE OPPORTUNITY THEY WANTED. HE LIVED AT THAT TIME AT SANTA CLARA; AND HAS BEEN A RESIDENT OF THIS TERRITORY FOR NEARLY A QUARTER OF A CENTURY: BUT, YET, NOTHING, GENTLEMEN, HAS BEEN TOLD YOU AGAINST HIS CHARACTER. ARE YOU GOING TO SAY, THEN, THAT YOU WILL NOT BELIEVE HIM? I HARDLY THINK YOU WILL COME TO ANY SUCH A CONCLUSION. WHAT, NOW, IS HIS TESTIMONY—AND MIND YOU, GENTLEMEN, I PROPOSE TO SHOW YOU THAT HIS

THERE WE KNOW NOT BUT WE DO KNOW THAT HE WENT IMMEDIATELY BACK AND LED THE ATTACK AT MOUNTAIN MEADOWS. NOW GENTLEMEN MR. WHITE HAS LIVED IN THIS TERRITORY OVER 20 YEARS YOU SAW HIM UPON THE STAND YOU CAN JUDGE FROM HIS TESTIMONY FROM THE MANNER IN WHICH HE GAVE HIS TESTIMONY WHETHER HE IS RELIABLE OR NOT YOU CAN'T SAY GENTLEMEN THAT HE DID NOT TELL THE TRUTH I THINK. [space] WE'LL NOW PASS TO THE NEXT WITNESS MR. SAMUEL KNIGHT— [space] <sup>[15]</sup> MR. KNIGHT HAS LIVED IN THIS TERRITORY 22 YEARS CERTAINLY IF HE IS AN UNRELIABLE WITNESS SOMEBODY MUST KNOW IT IF HE IS AN UNRELIABLE WITNESS JOHN D. LEE KNOWS IT AND HE KNOWS OTHER PARTIES THAT KNOW IT IF HE IS NOT TO BE BELIEVED WHY HAVE THEY NOT SHOWN MR. KNIGHTS CHARACTER HERETOFORE THEY HAVE HAD ALL THE OPPORTUNITY HE LIVED AT THAT TIME AT SANTA CLARA AND HAS BEEN A RESIDENT OF THIS TERRITORY FOR NEARLY A QUARTER OF A CENTURY BUT YET NOTHING GENTLEMEN HAS BEEN TOLD YOU AGAINST HIS CREDIBILITY HIS CHARACTER ARE YOU GOING TO SAY THEN THAT YOU WILL NOT BELIEVE HIM I HARDLY THINK YOU WILL COME TO ANY SUCH CONCLUSION WHAT IN ALL HIS TESTIMONY AND MIND YOU GENTLEMEN I PROPOSE TO SHOW YOU THAT HIS

**BT**

**PS**

TESTIMONY IS CORROBERATED BY TWO OTHER WITNESSES, ONE ODF WHICH WAS NOT THERE, AND HAD NOTHING TO DO WITH THE TRANSACTION; AND THAT IS JACOB KAMBLIN;  
YOU CAN'T SAY THAT JACOB HAMBLIN IS NOT TO BE BELIEVED BECAUSE HE IS AN ACCOMPLICE, FOR HE IS NOT. WE WILL NOW CONSIDER MR. KNIGHT'S TESTIMONY. HE TELLS YOU THAT AT THAT TIME HE LIVED AT SANTA CLARA;  
THAT DURING THE SUMMER TIME HE STAID AT MOUNTAIN MEADOWS. HE WAS THERE WITH HIS WAGON AND TEAM; HAD NO HOUSE; HAD BEEN TO HIS HOME AT SANTA CLARA, AND WMET MR. LEE ON HIS WAY BACK, AND THEY RODE SEVERAL MILES TOGETHER.  
NOW, HERE IS SOMETHING, GENTLEMEN, I WISH TO CONSIDER, AND THAT IS THE CONFESSION OF THE DEFENDANT; IF THAT IS MADE VOLUNTARILY; IF THAT IS MADE WITHOUT ANY COMPULSION, THEN IT IS REGARDED IN LAW AS THE VERY HIGHEST PROOF. AND WHY? BECAUSE IT IS PRESUMED THAT NO MAN WILL MAKE A CONFESSION, AN ADMISSION AGAINST HIMSELF — NO MAN WHO IS NOT GUILTY OF A CRIME WILL MAKE AN ADMISSION WHICH WILL IMPLICATE HIM IN THAT CRIME.  
SECONDLY, WHEN YOU HEAR OF A MAN DELIBERATELY TELL YOU, AND MAKE CONFESSION THAT HE HAS BEEN GUILTY OF, OR CONCERNED IN, ANY CRIME, WITHOUT ANY THREATS UPON

TESTIMONY IS CORROBORATED BY TWO OTHER MEN ONE OF WHICH WAS NOT THERE AND HAD NOTHING TO DO WITH THE TRANSACTION AND THAT IS JAKE HAMBLIN [space] CONSEQUENTLY YOU CAN'T SAY THAT HE JAKE HAMBLIN IS NOT TO BE BELIEVED BECAUSE HE IS AN ACCOMPLICE FOR HE WAS NOT. [space] WE WILL NOW CONSIDER MR. KNIGHT'S TESTIMONY [space] HE TELLS YOU THAT AT THAT TIME HE RESIDED AT SANTA CLARA ~~THAT HE WAS~~ [?]  
THAT DURING THE SUMMER TIME HE STAYED AT MOUNTAIN MEADOWS HE WAS THERE WITH HIS WAGON AND TEAM HAD NO HOUSE HAD BEEN TO HIS HOME AT SANTA CLARA AND MET MR. LEE ON HIS WAY BACK AND THEY RODE SEVERAL MILES TOGETHER [space]  
NOW HERE IS SOMETHING GENTLEMEN I WISH TO CONSIDER AND THAT IS THE CONFESSION OF THE DEFENDANT IF THAT IS MADE VOLUNTARILY IF THAT TESTIMONY IS GIVEN WITHOUT ANY COMPULSION THEN IT IS REGARDED IN LAW AS THE VERY HIGHEST TESTIMONY AND WHY BECAUSE IT IS PRESUMED THAT NO MAN WILL MAKE AN ADMISSION AGAINST HIMSELF NO MAN WHO IS GUILTY OF A CRIME WILL MAKE AN ADMISSION WILL IMPLICATE HIM IN THAT CRIME  
CONSEQUENTLY WHEN YOU HEAR A MAN DELIBERATELY TELL YOU OR MAKE A CONFESSION THAT HE HAS BEEN GUILTY OF CERTAIN OFFENSES  
WITHOUT ANY THREATS ON

**BT**

**PS**

YOUR PART, WITHOUT ANY FEAR UPON HIS PART, YOU MAY TAKE THAT AS THE VERY HIGHEST ORDER OF EVIDENCE; AND THERE IS <sup>[15]</sup> PLENTY OF THAT KIND OF EVIDENCE UPON WHICH YOU CAN RELY; AND AFTER HERARING THE TESTIMONY HERE, NOT ONE OF YOU WILL DARE TO SAY THAT JOHN D. LEE NEVER MADE THOSE CONFESSIONS TO KNIGHT, TO HAMBLIN AND

TO NEPHI JOHNSON.

THEY WERE MADE UNDER NO THREATS OR FEAR OF CONVICTION, WHATEVER. YOU ARE, THEN, TO REGARD THOSE STATEMENTS OR CONFESSIONS OF THE MOST DETERMINING CHARACTER AGAINST HIM. MR. KNIGHT MEETS MR. LEE; OPENS A CONVERSATION IN WHICH LEE TELLS HIM OF THE ATTACK WHICH THE INDIANS HAD ~~BM~~MADE; THAT THEY WERE FIRST REPULSED; AND THAT AFTERWARDS THEY COMPELLED HIM TO LEAD AN ATTACK. HE WAS THERE, THEN, WATCHING THE WHOLE PROCEEDINGS, WASN'T HE? WHEN HE FIRST SAW THEM AFTER THEY MADE AN ATTACK AND WERE REPULSED, WHEN THEY CAME TO HIM AND ASKED HIM TO LEAD THEM IN THE SE~~O~~COND ATTACK, HE WASN'T THERE AS A LOOKED ON. WAS HE NOT THERE AS AN AIDER OR ABETTOR? IF HE WAS NOT WHY WAS HE THERE? THERE IS NO

YOUR PART <sup>[[6]]</sup> WITHOUT ANY FEAR UPON HIS PART YOU MAY TAKE THAT AS THE VERY HIGHEST ORDER OF EVIDENCE AND THERE IS PLENTY OF THAT EVIDENCE AND BY MEN UPON WHOM YOU CAN RELY [space] YET PROVIDING THEY HAVE HEARD THE TESTIMONY HERE NOT ONE OF YOU WILL DARE TO SAY THAT JOHN D. LEE NEVER MADE ONE OF THOSE CONFESSIONS WILL PRESUME TO SHOW [space] KNIGHT HAMBLIN AND AND CONFESSION AND STATEMENTS WHICH HE MADE TO NEPHI JOHNSON. *KNOW/ANY*[?] *WHY/WAY*[?] ~~±~~ THEY WERE [space] DRAWN OUT *BY THEM/BEFORE*[?] [space] MADE THEM WITHOUT ANY THREATS OR FEAR OF CONFESSION WHATEVER YOU ARE THEN TO REGARD THOSE STATEMENTS AND CONFESSIONS OF THE MOST *DAMNING*[?] CHARACTER AGAINST HIM MR. KNIGHT MEETS MR. LEE OPENS CONVERSATION AND TELLS HIM OF THE ATTACK WHICH THE INDIANS HAD MADE THAT THEY WERE FIRST REPULSED THAT AFTERWARDS THEY COMPELLED HIM TO LEAD AN ATTACK HE WAS THERE THEN WATCHING THE WHOLE PROCEEDING WASN'T HE FOR WHEN HE FIRST HAD TO SEE THEM MADE AN ATTACK AND WERE REPULSED AND CAME TO HIM AND ASKED HIM *ABOUT AIDING*[?] THEM IN THE SECOND ATTACK WASN'T THERE AS A *HELPER*[?] HE NOT THERE AS AN AIDER OR ABETTOR IF HE WAS NOT WHY WAS HE THERE [space] THERE IS NO



**BT**

**PS**

CHANCE FOR A DOUBT, EITHER,  
THAT THE INDIANS WHICH HE LED  
IN ~~AN~~ THE ATTACK WERE

INDIANS OVER WHOM HE  
HAD THE MOST COMPLETE  
CONTROLL. DO YOU SUPPOSE,  
GENTLEMEN, THAT THEY WOULD  
COMPEL HIM TO LEAD AN  
ATTACK, THEY  
OVER WHOM HE HAD ~~CONRLT~~  
CONTROL FOR MONTHS— PERHAPS  
TWO OR THREE YEARS; WHO HAD  
BEEN WITH HIM DAY BY DAY-?  
THAT UNLESS THEY HAD BEEN  
ABUSED OR IT HAD BEEN IN CASE  
OF SELF DEFENSE, DO YOU THINK  
~~THEY~~ THEY WOULD COMPEL HIM TO  
LEAD AN ATTACK? NO, NOT AT ALL.  
MR. KNIGHT COMES ON TO THE  
MEADOWS WHERE HIS FAMILY IS;  
HE REMAINS THERE SOME FOUR OR  
FIVE DAYS WHEN MR. LEE, ~~MIND~~  
~~YOU, NO BODY ELSE~~ MIND YOU  
NO BODY ELSE BUT JOHN D. LEE,  
THE DEFENDANT,—CALLS UPON  
HIM ON AN ERRAND OF MERCY. HE  
CALLS UPON HIM TO TAKE HIS  
WAGON AND HIS TEAM TO GO  
DOWN TO THE EMIGRANT TRAIN,  
AND HAUL AWAY THE SICK AND  
THE WOUNDED. WELL, GENTLEMEN,  
AT FIRST ~~MR.~~ KNIGHT DON'T  
DESIRE TO GO; BUT WHEN HE WAS  
ABSOLUTELY ORDERED BY THE  
DEFENDANT TO TAKE HIS TEAM  
AND PROCEED THERE, WHAT DOES  
HE HOLD OUT TO MR. ~~MC~~KNIGHT?  
WHAT KIND OF A <sup>[16]</sup>TALE OF  
MERCY DOES HE HOLSD OUT TO MR.  
KNIGHT TO INDUCE HIM TO TAKE  
HIS TEAM AND WAGON AND GO  
THERE? WHY TO HAUL AWAY  
THE SICK AND WOUNDED;

CHANCE FOR A DOUBT THERE THAT  
HIS FIRST CONFESSION TO THE  
FIRST ATTACK IN WHICH ADMITS  
THAT HE LEAD THE INDIANS THE  
INDIANS [*space*] OVER WHOM HE  
HAD THE MOST COMPLETE  
CONTROL BUT DO YOU SUPPOSE  
GENTLEMEN THAT THEY WOULD  
COMPEL HIM ~~TO MAKE~~ TO LEAD AN  
ATTACK WHO WERE CIVILIZED  
OVER WHOM HE HAD  
CONTROL FOR MONTHS PERHAPS  
2 OR 3 YEARS WHO HAD  
BEEN WITH HIM DAY BY DAY  
THAT UNLESS IT HAD BEEN BY HIS  
OWN EVIL DESIGNS TO WOUND AND  
KILL DO YOU THINK  
THEY WOULD COMPEL HIM TO  
LEAD ATTACK NO NOT AT ALL <sup>[[7]]</sup>  
MR KNIGHT COMES ON TO THE  
MEADOWS WHERE HIS FAMILY IS  
HE REMAINS THERE SOME FOUR OR  
FIVE DAYS WHEN MR. LEE  
MIND YOU  
NOBODY ELSE BUT JOHN D. LEE  
THE DEFENDANT CALLS UPON  
HIM ON AN ERRAND OF MERCY. HE  
CALLS UPON HIM TO TAKE HIS  
WAGON AND HIS TEAM GO  
DOWN TO THE EMIGRANT TRAIN  
AND HAUL AWAY THE SICK AND  
THE WOUNDED WELL GENTLEMEN  
AT FIRST MR KNIGHT DIDN'T  
DESIRE TO GO WHEN HE WAS  
ABSOLUTELY ORDERED BY THE  
DEFENDANT TO TAKE HIS TEAM  
AND PROCEED THERE WHAT DOES  
HE HOLD OUT TO MR. KNIGHT  
WHAT KIND OF A PLEA OF  
MERCY DOES HE HOLD OUT TO MR.  
KNIGHT TO INDUCE HIM TO TAKE  
HIS TEAM AND GO  
THERE [*space*] WHY TO HAUL AWAY  
THE SICK AND THE WOUNDED

**BT**

**PS**

THE SICK, GENTLEMEN, AND THE WOUNDED WHICH THE INDIANS HAD CAUSED MR. LEE — DOES NOT TELL HIM THAT THESE WERE THE SICK AND THE WOUNDED

THAT HE HAD LED THE ATTACK UPON, THAT HE HAD TRIED TO KILL; BUT THE SICK AND THE WOUNDED THAT HAD BEEN HURT IN THIS FIGHT. HE WISHES MR. KNIGHT TO GO AND HAUL THEM AWAY TO A PLACE OF SAFETY. WOULD NOT ANY MAN NATURALLY TAKE HIS TEAM AND WAGON AND GO ON SUCH AN ERRAND? MR. KNIGHT DID IT. IT IS CLAIMED BY THE DEFENSE THAT LEE ACTED BY ORDERS. WHERE DID THOSE ORDERS COME FROM? IF JOHN D. LEE ACTED BY ORDERS DOES HE NOT KNOW WHO GAVE HIM THOSE ORDERS?? DID ANY MAN ON THAT FIELD OF 30 OR 40 RECEIVE ORDERS? FROM WHOM? WHERE ARE THE WITNESSES OUT OF THAT 30 OR 40 TO TESTIFY TO IT? ~~WHERE ARE IS THE WITNESS~~ WHERE IS THE MESSENGER WHO BROUGHT THOSE ORDERS? WHO BROUGHT THEM? WHERE WAS THE MESSENGER? GENTLEMEN, THERE WERE NO ORDERS EXCEPT THE ORDERS THAT ORIGINATED IN HIS OWN ~~MIND~~ GUILTY BRAIN.. THOSE WERE THE ORDERS THAT HE ACTED UNDER; AND THOSE WERE THE ORDERS AND PLANS WHICH HE CARRIED OUT.. YOU MIGHT, GENTLEMEN, YOU MIGHT BE COMPELLED TO FIRE A GUN, SUPPOSING THERE WAS NO HIGHER AUTHORITY THAN JOHN D. LEE.; THEY MIGHT

[space] THE SICK GENTLEMEN AND THE WOUNDED WHICH THE INDIANS HAD CAUSED MR. LEE DOES NOT TELL HIM THAT THOSE THAT THE SICK AND THE WOUNDED THAT THOSE THAT THE SICK AND THE WOUNDED THAT HE HAD LED THE ATTACK THAT HE HAD TRIED TO KILL BUT THE SICK AND THE WOUNDED THAT HAD BEEN HURT IN THIS FIGHT WISHED MR. KNIGHT TO GO AND HAUL THEM AWAY TO A PLACE OF SAFETY WOULD NOT ANY MAN NATURALLY TAKE HIS TEAM AND WAGON AND GO ON SUCH AN ERRAND MR. KNIGHT DID IT [space] IT IS CLAIMED HERE AND HAS BEEN CLAIMED BY THE DEFENSE THAT HE ACTED BY ORDERS [space] WHO DID THOSE ORDERS COME FROM IF JOHN D. LEE ACTED BY ORDERS DOES HE NOT KNOW WHO GAVE HIM THOSE ORDERS DID ANY MAN ON THAT FIELD OF 30 OR 40 RECEIVE ORDERS FROM WHOM WHERE ARE THE WITNESSES THE 30 OR 40 THERE WHERE ARE THE MESSENGER WHO BROUGHT THOSE ORDERS WHO BROUGHT THEM WHERE WAS THE MESSENGER GENTLEMEN THERE WERE NO ORDERS EXCEPT THE ORDERS THAT ORIGINATED <sup>[[8]]</sup> IN HIS OWN GUILTY BRAIN THOSE WERE THE ORDERS THAT HE ACTED UNDER AND THOSE WERE THE ORDERS AND PLANS WHICH HE CARRIED OUT [space] YOU MIGHT GENTLEMEN YOU MIGHT BE COMPELLED TO FIRE A GUN FROM AN ORDER SUPPOSING THERE WAS NO HIGHER AUTHORITY THAN JOHN D. LEE THEY MIGHT

**BT**

**PS**

COMPEL YOU TO TAKE A MUSKET IN YOUR HAND, AND GO TO THE BATTLEFIELD; THEY MIGHT COMPEL YOU TO PERFORM ALMOST ANY PHYSICAL ACT; BUT, GENTLEMEN, SWHERE IS THE ORDER, EXCEPT FROM THE ALMIGHTY, THAT COULD COMPEL A MAN TO ORIGINATE IN HIS OWN BRAIN, AND CARRY OUT THAT MOST DAMNABLE PLAN AND POLICY WHICH JOHN D. LEE ADOPTED AND CARRIED OUT AT MOUNTAIN MEADOWS?

COUND ANY ORDERS FROM HAIGHT, HIGBEE, OR ANY OTHER MAN IN THIS TERRITORY OR ON THE GLOBE COMPEL HIM TO ORIGINATE IN HIS MIND SUCH A DAMNABLE DESIGN AS THAT? NO, GENTLEMEN,<sup>[17]</sup> THEY COULD NOT DO IT. THEY MIGHT COMPEL HIM TO GO THERE ON THE FIELD UNDER THREATS; THEY MIGHT COMPEL HIM TO BRING A MUSKET IN HIS HAND;: BUT WHEN THEY COME TO COMPEL HIM TO SIT DOWN AND ORIGINATE IN HIS OWN MIND AND CARRY OUT SUCH A DEPLORABLE PLOT OR SCHEAM, YOU DNEED NOT TELL ME, GENTLEMEN, THAT ANYTHING BUT HIS OWN GUILTY BRAIN COULD COMPEL HIM TO DO IT. NO, SIR, IT WAS BECAUSE HIS HEAD, HIS HEART AND HIS MIND WERE ENVELOPED IN THIS SCHEAM. WE COME NOW TO

COMPEL YOU TO TAKE A MUSKET IN YOUR HAND AND GO TO THE BATTLE FIELD THEY MIGHT COMPEL YOU ~~TO GO~~ TO CARRY [space]BUT GENTLEMEN WHERE IS ORDER EXCEPT FROM THE ALMIGHTY THAT COULD COMPEL A MAN TO ORIGINATE IN HIS OWN BRAIN AND CARRY OUT THAT MOST DAMNABLE PLAN AND POLICY WHICH JOHN D. LEE ADOPTED AND CARRIED OUT AT MOUNTAIN MEADOWS TO TAKE IN A FLAG OF TRUCE TO SEND A MAN UNDER THAT FLAG WHEREVER IT IS BROUGHT EVEN BY ENEMIES WHO BRING TO EACH OTHER [space] ENEMY AT ONCE ALL HOSTILITIES STOP [space] COULD ANY ORDER FROM HAIGHT HIGBEE OR ANY OTHER MAN IN THIS TERRITORY OR ON THE GLOBE COMPEL HIM TO ORIGINATE IN HIS MIND SUCH A DAMNABLE DESIGN AS THAT NO GENTLEMEN THEY COULD NOT DO IT THEY MIGHT COMPEL HIM TO GO THERE ON THE FIELD UNDER THREATS THEY MIGHT COMPEL HIM TO BRING A MUSKET IN HIS HAND BUT WHEN THEY COMPEL HIM TO SIT DOWN AND ORIGINATE IN HIS OWN MIND AND CARRY OUT SUCH A DIABOLICAL PLOT AND SCHEME YOU NEED NOT TELL ME GENTLEMEN THAT ANY ORDERS EXCEPT HIS OWN GUILTY BRAIN<sup>729</sup> COULD COMPEL HIM TO DO IT. NO SIR IT WAS BECAUSE HIS HEAD HIS HEART AND HIS MIND WERE ENVELOPED IN THIS SCHEME. [space] WE COME NOW TO

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729. Rogerson's hand symbol is in the left margin.

**BT**

**PS**

THE BATTLEFIELD. WE HAVE TWO WAGONS, AND TWO MEN TO CARRY THE SICK AND WOUNDED OF THE EMIGRANTS.

MR. JOHNSON

TESTIFIES, AND SO DOES MR HAMBLIN — MR. JOHNSON TESTIFIES THAT HE HEARD HIM CONVERSING WITH THE INDIANS THERE PRIOR TO THE ATTACK, THAT THE EMIGRANTS MUST BE INDUCED TO GET OUT FROM THEIR CAMP;

AS ONE INDIAN HAD BEEN KILLED, AND THEY SAY SEVERAL WOUNDED. THEY MUST TRY SOME OTHER PLAN;

SOME OTHER SCHEME MUST BE ADOPTED OR ELSE THE EMIGRANTS WILL BE PERMITTED TO GO, AND ALL OF THIS BOOTY WHICH JOHN D. LEE EXPECTS TO OBTAIN WILL BE LOST; CONSEQUENTLY, HE GOES TO WORK AND DEVISES THIS PLAN TO INDUCE THEM TO LAY DOWN THEIR ARMS; MARCH OUT FROM THEIR SAFETY; AND THEN, WHEN THEY ARE UNARMED AND DEFENSELESS, TO FALL UPON THEM AND MURDER THEM IN COLD-BLOOD. THEY SEND A MAN WITH A FLAG OF PEACE, OR A FLAG OF TRUCE; A FLAG WHOSE SIGNIFICATION

AMONG THE MOST HOSTILE ARMIES AND ENEMIES IS ALWAYS RESPECTED. THE EMIGRANTS BELIEVING AND RELYING, TRUSTING FULLY, IN

THE BATTLE FIELD WE HAVE TWO WAGONS AND TWO MEN TO <sup>[[9]]</sup> CARRY AWAY THE SICK AND WOUNDED OF THE EMIGRANTS

[space] HERETOFORE YOU HAVE HAD IT BOTH FROM MR. JOHNSON I

~~BELIEVE THAT YOU I BELIEVE THAT YOU~~ [space] TESTIFIES AND SO DOES

MR HAMBLIN MR. JOHNSON TESTIFIES THAT HE HEARD HIM CONVERSING WITH THE INDIANS THERE PRIOR TO THE ATTACK THAT THE EMIGRANTS MUST BE INDUCED TO COME OUT FROM THEIR CAMP BEFORE A WEEK/AND WALK[?] HAD BEEN TMN/TMTION[?]

UP/PARTY[?] ONE INDIAN HAD BEEN KILLED AS THEY SAY AND SEVERAL WOUNDED THE INDIANS WERE HAPPY TO WITHDRAW FROM THIS HELLISH PLAN AND DESIGN SOME OTHER PLAN MUST BE

ADOPTED OR ELSE THE EMIGRANTS WILL BE PERMITTED TO GO AND ALL OF THIS BOOTY WHICH JOHN D. LEE EXPECTS TO OBTAIN WILL BE LOST CONSEQUENTLY[?] HE GOES TO WORK AND DEVISES THIS PLAN TO INDUCE THEM TO LAY DOWN THEIR ARMS MARCH OUT FIRST[?] OFFER THEM SAFETY AND THEN WHEN THEY ARE UNARMED AND DEFENSELESS TO FALL UPON THEM AND MURDER THEM IN COLD BLOOD [space] THEY SEND A MAN WITH A FLAG OF PEACE A FLAG

WHICH STATES SIGNIFICATION EVERY PLACE AND A FLAG WHICH AMONG THE MOST HOSTILE ARMIES AND ENEMIES IS ALWAYS RESPECTED [space] THE EMIGRANTS BELIEVING AND RELYING TRUSTING FULLY FAITHFULLY IN

**BT**

**PS**

<p>THAT, SENT A MAN TO MEET HIM, <del>AS THEY SUPPOSED</del> IN THE SAME SPIRIT AS THEY SUPPOSED IT WAS SENT. THEY HAVE A CONFERENCE AT THAT TIME. I SUPPOSE ALL THE CAYTTLE ARE DRIVEN AWAY. THEY ARE THERE IN DESTITUTE CIRCUMSTANCES; <del>THIRSTING</del> <del>THDRSTHIDGSTAIMDTUFTDERCWR</del> <del>CUTMOFTARHCSES</del> THIRSTING AND FOR WANT OF PROVISSIONS, THEY WARE WILLING TO ADOPT ANY PLAN WHICH WILL SAVE THEIR WIVES AND CHILDREN. AND I UNDERTAKE <sup>[18]</sup> TO SAY, GENTLEMEN, IT WAS FOR THIS THAT THE MEN LAY DOWN THEIR ARMES; IT WAS TO SAVE THEIR DEFENSELESS WIVES AND LITTLE ONES. THAT IS WHY THEY HAVE, UNDER THE FLAG OF FRIENDSHIP, AGREED TO LAY DOWN THEIR ARMES AND MARCH OUT; BECAUSE THEY WERE PROMISED SAFETY; THAT THEY WOULD BE TAKEN BACK TO THE SETTLEMENTS AND THERE CARED FOR AND PROTECTED UNDER THIS TREATY. THEN THEY LAID DOWN THEIR ARMES. THE WOUNDED ARE PLACED IN THE WAGONS, AND THE CHILDREN AND THE MEN AND WOMEN MARCH FORWARD. THEY START OUT. THEY START FOR A PLACE OF SAFERTY. THEY UNSUSPECTEDLY PASS UP THE VALLEY; THEY PASS OVER A LITTLE RAISE IN THE GROUND THAT HIDES THEM FROM THE CAMP-; AND THERE IS SITUATED HERE HILLS AND <del>AND</del> ROCKS AND TIMBER WHERE MEN COULD LAY IN</p>	<p>THAT AND SENT A MAN TO MEET HIM AS THEY SUPPOSE IN THE SAME SPIRIT IN WHICH IT IS SENT THEY HAVE A CONFERENCE AT THAT TIME I PRESUME MOST OF THE CATTLE ARE DRIVEN AWAY THEY ARE THERE IN DESTITUTE CIRCUMSTANCES</p> <p>THIRSTING FOR WATER SCANT OF PROVISSIONS THEY ARE WILLING TO ADOPT ANY PLAN WHICH WILL SAVE THEIR WIVES AND CHILDREN AND I UNDERTAKE TO SAY GENTLEMEN IT WAS FOR THIS THAT THE MEN LAY DOWN THEIR ARMS IT WAS TO SAVE THEIR DEFENSELESS WIVES AND LITTLE ONES THAT IS WHY <i>THEY HAVE</i>[?] <sup>[[10]]</sup> UNDER THE <i>FLAG</i>[?] OF FRIENDSHIP THEY AGREE TO LAY DOWN THEIR ARMS AND MARCH OUT BECAUSE HE PROMISES THEM SAFETY AND IMMUNITY FROM DANGER THEY WOULD BE TAKEN BACK TO THE SETTLEMENTS AND THERE CARED FOR AND PROTECTED UNDER THIS TREATY THEN THEY LAID DOWN THEIR ARMS THE WOUNDED ARE PLACED IN THE WAGONS AND THE CHILDREN AND MEN AND THE WOMEN MARCH AFTERWARDS THEY START OUT THEY START FOR A PLACE OF SAFETY THEY ARE UNSUSPECTING THEY PASS UP THE VALLEY THEY PASS OVER A LITTLE RAISE IN THE GROUND THAT HIDES THEM FROM THE CAMP AND THEY ARE SITUATED <i>WHERE</i>[?] THE HILLS AND THE ROCKS AND THE TIMBER WHERE MEN COULD LAY IN</p>
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**BT**

**PS**

<p>AMBUSH, AND DESTROY THEM WITHOUT A FEAR.          JOHN D. LEE          FOLLOWS THE FIRST WAGON AND IS IN FRONT OF THE LINE. BEHIND THEM ARE LED OUT THE WOMEN MEN ANSD CHILDREN. UNEXPECTEDLY THEY TRAVEL ALONG. THEIR CAMP IS FORSAKEN. THEIR GUNS ARE DELIVERED UP TO THE ENEMY; THEY HAVE NOTHING WITH WHICH TO MAKE RESISTANCE.</p> <p>A GENERAL HALT IS GIVEN; AND WHO FIRES THE FIRST SHOT? THREE MEN, MR. MC MURDY, MR. KNIGHT, AND MR. NEPHI JOHNSON WHO WAS ON THE HILL SOME DISTANCE OFF, TESTIFY THAT WHEN THE GENERAL HALT WAS GIVEN JOHN D. LEE FIRED THE FIRST SHOT, AND THAT TOO, GENTLEMEN, AT A WOMAN [?]Z[?]OH, SHAME ON THE MAN WHO COULD INDUSCE THOSE EMIGRANTS TO LAY DOWN THEIR ARMES AND TO TRUST HIM, AND THEN THE FIRST ATTACK VILLENOUS ASSAULT TO BE MADE ON A DEFENSELESS WOMAN! IF YOU CAN SAY TO YOURSELVES AFTER HEARING SUCH TESTIMONY, THAT THE DEFENDANT IS INNOCENT, THEN I SAY TO YOU LET HIM GO HENCE FREE.; BUT, GENTLEMEN, YOU CAN'T DO THAT. MR. MC MURDY LOOKED AROUND AND SAW HIM FIRE THE FIRST SHOT AT A WOMAN; AND THEN HE DRAWS HIS REVOLVER AND SHOOTS—WHO? TWO</p>	<p>AMBUSH AND DESTROY THEM WITHOUT A FEAR OF LOSS THEY<sup>730</sup> ARE LEAD ON JOHN D. LEE FOLLOWS THE FIRST WAGON AND IS IN FRONT OF THE LINE BEHIND THEM/THEY[?] ARE LED OUT THE MEN THE WOMEN AND THE LITTLE CHILDREN [space] UNSUSPECTINGLY THEY TRAVEL ALONG THEIR CAMP IS FORSAKEN THEIR GUNS ARE DELIVERED UP TO THE ENEMY THEY HAVE NOTHING WITH WHICH TO MAKE RESISTANCE THEY GO OVER WHEN ALL AT ONCE THE WORD HALT IS GIVEN AND WHO FIRES THE FIRST SHOT TWO MEN —/THREE[?] MEN TESTIFY MR. MC MURDY MR. KNIGHT AND MR. NEPHI JOHNSON WHO WAS ON THE HILL SOME DISTANCE OFF TESTIFIES THAT WHEN THE WORD HALT WAS GIVEN JOHN D. LEE FIRED THE FIRST SHOT AND THAT TOO GENTLEMEN AT A WOMAN [space] —[?] SHAME ON THE MAN THAT COULD INDUCE THOSE EMIGRANTS TO LAY DOWN THEIR ARMS AND TRUST HIM AND THEN THE FIRST VILLAINOUS ASSAULT TO BE MADE ON A DEFENSELESS WOMAN —[?] IF YOU CAN SAY OF THIS <sup>[[11]]</sup> DEFENDANT AFTER HEARING THAT TESTIMONY</p> <p>GO HE IS FREE [space] — YOU CAN'T DO IT [space] MR. MC MURDY LOOKED AROUND AND SAW HIM FIRE THE FIRST SHOT AT A WOMAN AND THEN HE DRAWS HIS PISTOL AND SHOOTS [space] WHO TWO</p>
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730. Rogerson's hand symbol is in the left margin.

**BT**

**PS**

WOUNDED AND DEFENSELESS MEN THAT ARE IN HIS WAGON — TWO MEN THAT HAVE BEEN PLACED <sup>[19]</sup> THERE BY HIS ORDER, AND WHO ARE THERE BY HIS DIRECTION—TWO MEN WHO HAVE ALREADY BEEN WOUNDED BY HIS DESIGN, AND BY HIS OWN ACTS IN LEADING INDIANS ON; AND THEN PLACED IN THESE WAGONS DEFENSELESS. THESE ARE THE MEN THAT HE FIRST ATTACKS. HE DIDNT MAKE AN ATTACK UPON THE MEN WHO WREERRE UNARMED, WHO WERE COMPELLED TO FOLLOW HIM ON FOOT; ;BUT HE LEAVES THAT FOR THE OTHER MEN AND THE INDIANS, AND HE ATTACKS &THE POOR DEFENSELESS WOMEN AND CHILDREN AND WOUNDED MEN. GENTLEMEN, WHAT CAN YOU THINK OF A MAN OF THAT KIND? WHAT CAN YOU THINK OF A MAN THAT WILL LEAD IN A TRANSACTION OF THAT KIND? NOW, GENTLEMEN,

HERE IS MR. KNIGHT;HE SAW THE AWOMEAN FALLING? HERE IS MR. MC MURDY, WHO SAW DROVE THE TEAM IN WHICH THE MEN WERE KILLED — TWO MEN; HE SAW THEM THERE. THE FIRST SHOT MR. MC MURDY HEARD FIRED WAS FIRED

WOUNDED AND DEFENSELESS MEN<sup>731</sup> THAT ARE IN HIS WAGON TWO MEN THAT HAVE BEEN PLACED THERE BY HIS ORDERS AND WHO HAVE PSPNT[?] THERE BY HIS DIRECTION TWO MEN WHO HAVE ALREADY BEEN WOUNDED BY HIS OWN DESIGN AND BY HIS OWN ACTS IN LEADING INDIANS AND PLACED IN THE WAGONS DEFENSELESS AND THESE ARE THE MEN THAT HE FIRST ATTACKS [space] HE DIDN'T EVEN SO MUCH AS TO TURN UPON THE MEN WHO WERE UNARMED WHO WERE COMPELLED FOLLOW HIM ON FOOT BUT HE LEAVES THAT FOR THE OTHER MEN AND THE INDIANS AND HE ATTACKS THE POOR DEFENSELESS WOMEN CHILDREN WOUNDED MEN GENTLEMEN WHAT CAN YOU THINK OF A MAN OF THAT KIND [space] WHAT CAN YOU THINK OF A MAN THAT WILL LEAD IN A TRANSACTION OF THAT KIND [space] I COMPREHEND GENTLEMEN THERE CAN BE BUT ONE THOUGHT AND IF THE DEFENDANT THOUGHT LONGER[?] ALL THAT HE HAS HASTENED TO DO I COMPREHEND THAT IN ALL THIS ROOM NO ONE TR[?] WOULD BE SO THIS IS TESTIMONY GENTLEMEN WHICH YOU CAN/CAN'T[?] DOUBT HERE IS MR. KNIGHT WHO HAD THE TEAM FOLLOWING HERE IS MR. MC WHO DROVE THE TEAM IN WHICH THE MEN WERE KILLED TWO MEN WHO SAY THAT THE FIRST SHOT THEY HEARD FIRED WAS FIRED

731. The shorthand symbol is “WMN”. The “W” is crossed out. The second symbol referring to the same people clearly reads “MEN”.

**BT**

**PS**

<p>BY JOHN D. LEE; HE SAW HIM FIRE A SHOT AT THEM. NEPHI JOHNSON, HE ALSO SAW HIM FIRE A SHOT; AND SAW HIM AND THE INDIANS DRAGING THE WOUNDED MEN FROM THE WAGONS AND CUT THEIR THROATS AS THOUGH THEY WERE DOGS. GENTLEMEN, WHAT ORDERS COMPELLED THIS ACT? COULD ORDERS—COULD ANY ORDERS COMPEL SUCH A SCENE OF BRUTALITY? NO, YOU CAN'T MAKE ME BELIEVE THAT ANY ORDER THAT COULD EVER COME FROM ANY MAN ON EARTH COULD EVER COMPEL A MAN TO MAKE SUCH A VILLAIN OF HIMSELF; OR COULD COMPEL A MAN TO COMMIT SUCH AN ACT OF MURDER, OR TO MAKE <b>SUCH</b> A HEATHEN OF HIMSELF? NO ORDER ON EARTH COULD COMPEL HIM TO DO SO.. THE TESTIMONY SHOWS, GENTLEMEN, THAT HE ORIGINATED IT THERE HIMSELF AND THAT THERE IS A DESIGN IN CARRYING IT OUT. IF THERE WAS ANY ORDERS HE CERTAINLY KNEW WHERE HE GOT THEM FROM. WHY HAS HE NOT PRODUCED THEM?? HAS HE SHOWN YOU THE SHAD<del>OW</del> OF AN <del>OR</del> ORDER? ANY AUTHORITY FOR COMMITTING SUCH AN <del>ACT</del> A HEINOUS ACT? NO, NOT IN THE LEAST. THEN, GENTLEMEN, YOU CANNOT SAY THAT NO SPECIFIC ACT HAS BEEN CHARGED AND PROVEN AGAINST JOHN D. LEE. BESIDES THREE WITNESSES WHO SAW HIM—<sup>[20]</sup> THREE WITNESSES WHO WERE COMPELLED TO GO AND WHO, WHEN THERE, GOT <del>ORDERS</del> ORDERS</p>	<p>BY <del>WAS</del> JOHN D. LEE WHO SAW HIM FIRE A SHOT AND THEN NEPHI JOHNSON WHO <i>[space]</i> ALSO SAW HIM FIRE A SHOT AND SAW HIM AND INDIAN <sup>[[12]]</sup> DRAGGING WOUNDED MAN FROM THE WAGON AND CUT HIS THROAT AS THOUGH HE WAS A DOG. <i>[space]</i> GENTLEMEN WHAT ORDERS COMPELLED THIS COULD ORDERS COULD ANY ORDER COMPEL SUCH A SCENE OF BRUTALITY NO YOU CAN'T MAKE ME BELIEVE THAT ANY ORDER THAT EMANATES FROM ANY MAN ON EARTH COULD COMPEL A MAN TO MAKE SUCH A VILLAIN OF HIMSELF OR COULD COMPEL MAN TO COMMIT ACT TO MURDER <i>YOU CAN'T</i>??] <i>[space]</i> OR TO COMPEL HIM TO MAKE A FIEND OF HIMSELF NO ORDER ON EARTH COULD COMPEL HIM TO DO SO. <i>[space]</i> THE TESTIMONY SHOWS GENTLEMEN THAT HE ORIGINATED THERE HIMSELF AND THAT THERE IS A DESIGN TO CARRYING IT OUT THERE WAS NO ORDERS HE CERTAINLY KNOWS WHERE HE GOT HIS ORDERS FROM <i>[space]</i> WHY HAS HE NOT PRODUCED IT HAS HE SHOWN YOU A SHADOW OF AN ORDER THE AUTHORITY FOR COMMITTING SUCH A HEINOUS ACT. NO NOT IN THE LEAST <i>[space]</i> THEN GENTLEMEN YOU CANNOT SAY THAT NO SPECIFIC ACT HAS BEEN CHARGED AND PROVEN AGAINST JOHN D. LEE BESIDES 3 WITNESSES WHO SAW HIM 3 WITNESSES WHO WERE COMPELLED TO GO AND WHO WENT THERE UNDER ORDERS</p>
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BT

PS

<p>FROM JOHN D. LEE WE HAVE HIS OWN CONFESSION MADE AFTERWARDS. NOW, GENTLEMEN, THERE IS ONE THING IN THE LAW OF EVIDENCE THAT YOU CAN CONSIDER: FIRST- A MAN'S STATEMENTS; SECOND-<del>L-YLX</del>— DOES HE GIVE THE SAME KIND OF A TRANSACTION, AND IS THAT ACCOUNT WHICH HE GIVES OF IT TRUE? IF I COMMIT AN OFFENSE AND MAKE A STATEMENT OF IT TO YOU, WHICH YOU FIND OUT TO BE FALSE, WHAT IS YOUR INFERENCE? YOU INFER AT ONCE THAT I AM A GUILTY MAN. IF I MAKE A STATEMENT OF A CASE ON REASONS WHICH YOU FIND OUT TO BE FZALSE, IT IS THE STRONGEST EVIDENCE AGAINST ME. HERE IS A REPORT OF JOHN D. LEE'S TO GOVERNOR YOUNG, OF AFFAIRS OF THE INDIANS FOR WHOM HE WAS FARMER. [READS FROM REPORT]</p> <p>THIS THE COMPANY, GENTLEMEN, OF WHOM YOU HEARD MR. NEPHI JOHNSON TESTIFY; AND FROM THE CONVERSATION HE HAD WITH JOHN D. LEE ABOUT THEM YOU CAN JUDGE OF THE CSINCERITY OF THAT CONVERSATION WHEN HE WANTED TO GO AND MURDER THIS</p>	<p>FROM JOHN D. LEE WE HAVE HIS OWN CONFESSIONS MADE AFTERWARDS. NOW GENTLEMEN THERE IS ONE THING IN THE LAW OF EVIDENCE THAT YOU CAN CONSIDER FIRST A MAN'S STATEMENTS SECONDLY DOES HE GIVE THE SAME ACCOUNT OF THE TRANSACTION AND IS THAT ACCOUNT WHICH HE GIVES OF IT TRUE [space] IF I COMMIT AN OFFENSE AND MAKE A STATEMENT TO YOU WHICH YOU FIND OUT TO BE FALSE WHAT IS YOUR INFERENCE YOUR INFERENCE IS AT ONCE THAT I AM GUILTY MAN [space] IF I MAKE A STATEMENT —[?] ON REASONS WHICH YOU FIND OUT TO FALSE IT IS THE STRONGEST TESTIMONY AGAINST ME. <sup>[[13]]732</sup> HERE IS A LETTER GENTLEMEN A REPORT RATHER MADE BY JOHN D. LEE BETWEEN THE 21<sup>S</sup> <del>TO THE</del> READ MOUNTAIN MEADOWS 320 MILES FROM GREAT SALT LAKE CITY BETWEEN THE 21 TO 26 SEPTEMBER. [space] WAGONS AND PROPERTY MOSTLY COMMITTED TO THE FLAMES THIS IS THE THE COMPANY GENTLEMEN YOU HEARD MR. NEPHI JOHNSON'S TESTIMONY WHO <i>WHEN HIS</i>[?][space] YOU ALSO HEARD THE CONVERSATION THAT <i>MR.</i>[?] JOHN D. LEE HAD WITH HIM YOU CAN JUDGE OF THE SINCERITY OF HIS OF THAT CONVERSATION WHEN HE WANTED TO GO AND MURDER THE</p>
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732. On the verso of page 13: *WE HAD THE COMMUNITY*[?] [space] WHERE ARE YOU GOING I DO NOT KNOW WHAT IS YOUR OCCUPATION. I AM A CIVIL SURGEON. —[?] CAN YOU *RELY*[?] ANYTHING ON THIS *[ink blot] ATTORNEYS*[?] OF THE UNITED STATES *ON THIS*[?] WHERE DO YOU LIVE IN THIS IN THE — — — —[?] [space] OH TELL MY FATHER TO BE —[?] TO PUT IN YOUR *ARM*[?] —[?] IF A —[?] MAN HAS *GUIDED*[?] BY HIS OPINION.

**BT**

**PS**

COMPANY OF EMIGRANTS NOT LONG AFTER THE MASSACERE AT MOUNTAIN MEADOWS.

“FRIENDLY FEELINGS,” HE SAYS, “YET REMAIN BETWEEN THE NATIVES AND SETTLERS.” WHY, IF SUCH FRIENDLY RELATIONS EXISTED AS HE TELLS YOU

**IMMEDIATELY AFTER** THESE TWO TRANSACTIONS, DONT YOU THINK, GENTLEMEN, THAT HE COULD HAVE PREVENTED THESE INDIANS FROM COMMITTING A CRIME AT MOUNTIAN MEADOWS?? WAS IT THEY WHO MADE HIM, OR HE WHO MADE THEM? “MUCH GRAIN HAS BEEN RAISED BY THE INDIANS.” THIS LETTER IS SIGNED, “JOHN D. LEE, FARMER TO PAH UTES INDIANS.” ADDRESSED TO, “GOV. B. YOUNG, EX-OFFICIO AND SUPERINTENDANT OF INDIAN AFFAIRS.” GENTLEMEN, THIS LETTER IS WRITTEN AFTER ALL THIS SIN OCCURRS. LET US EXAMINE THE STATEMENTS NOW JUST FOR A MOMENT AND SEE WHAT TRUTH THERE IS IN THIS LETTER. THERE IS AN ADMISSION, GENTMLEMEN, OVER HIS OWN SIGNATURE. IS IT TRUE OR IS IT NOT TRUE? IF THESE STATEMENTS ARE FALSE <sup>[21]</sup> ~~THEN YOU ARE~~, THEN YOU ARE TO CONSIDER THEM MOST STRONGLY AGAINST HIM “AS WAS THE CASE WITH CAPTAIN FRANCHERS COMPANY OF EMIGRANTS, PASSING THROUGH TO CALIFORNAIA ABOUT THE MIDDLE OF SEPTEMBER LAST, ON CORN CREEK, 15 MILES SOUTH OF FILLMORE CITY, MILLARD

REST OF THE COMPANY

IN MOUNTAIN MEADOWS. AFTER ONE TRAIN HAS BEEN MURDERED [space] YET FRIENDLY RELATIONS STILL EXISTED BETWEEN THEM AND THE SETTLERS WHY IF SUCH FRIENDLY RELATIONS EXISTED AS HE TELLS YOU JUST N M[?] HE SAID FRIENDLY RELATIONS EXISTED IMMEDIATELY AFTER THESE TWO TRANSACTIONS DON’T YOU THINK GENTLEMEN THAT HE COULD HAVE PREVENTED THESE INDIANS FROM COMMITTING THE CRIME AT MOUNTAIN MEADOWS WAS IT HE THAT LEAD THEM OR THEY THAT LED HIM? “MUCH GRAIN HAS BEEN RAISED FOR THE INDIANS” THIS LETTER IS SIGNED JOHN D. LEE FARMER TO PAH UTE INDIANS ADDRESSED TO GOVERNOR B. YOUNG EX-OFFICIO AND SUPERINTENDENT OF INDIAN AFFAIRS [space] GENTLEMEN THIS LETTER IS WRITTEN NOW AFTER ALL THIS SIN/SCENE[?] OCCURS LETS EXAMINE THE STATEMENTS NOW JUST FOR A MINUTE AND SEE THE TRUTH THERE IS IN THIS LETTER THERE IS AN ADMISSION GENTLEMEN OVER HIS OWN SIGNATURE IS IT TRUE IS IT NOT TRUE IF THESE STATEMENTS ARE FALSE THEN YOU ARE TO CONSIDER THEM MOST STRONGLY AGAINST HIM [space]

HE SAID IN FIRST ABOUT THE MIDDLE OF <sup>[[14]]</sup> SEPTEMBER LAST ON CORN CREEK 15 SOUTH OF FILLMORE [space]

**BT**

**PS**

<p>COUNTY, THE COMPANY THERE POISONED THE MEAT OF AN OX.” THIS THEY TRIED TO PROVE ON THE LAST TRIAL BUT _____</p> <p>COURT: DON’T REFERR TO ANYTHING NOT IN THIS TRIAL. MR. DENNY: IF THE MEAT WAS POISONED THERE, GENTLEMEN, WHERE ARE THE WITNESSES? DID NOT SOMEBODY SEE IT DONE? AND RIGHT HERE JUST LET ME ASKE YOU TO EXERCISE YOUR OWN JUDGEMENT IN THIS MATTER. TAKE A DEAD OX OR ANY OTHER PIECE OF MEAT, AND HOW MUCH POISON WOULD IT TAKE? JUST CONSIDER HOW FAR THROUGH THAT MEAT POISON WILL SPREAD.. THAT ODF ITSELF IS AN UTTER FALSEHOOD. THE IDEA THAT WHEN THE BLOOD HAS STOPPED CIRCULATING THAT POISON IS GOING TO CIRCULATE THROUGH THE ENTIRE ANIMAL. MR. BISHOP: THE POISON WOULDN’T HAVE TO BE DISTRIBUTED THROUGHOUT THE WHOLE ANIMAL TO POISON A FEW INDIANS. DENNY: WE WILL NOW GO TO THE NEXT STATEMENT: “WHICH THEY THE PAH VANT INDIANS TO EAT, CAUSING FOUR OF THEM TO DIE IMMEDIATELY, BESIDES POISONING A NUMBER MORE.” NOW, GENTLEMEN, WHAT HAS THE PAH VANT TRIBE TO DO WITH THE PAH UTE TRIBE BELOW BEAVER. SUPPOSE THEY HAD POISONED THREE OR FOUR OF THE <del>PAH VANTTRIBE OF THE PAH VANT TRIBE;</del> IS THE PAH UTE TRIBE</p>	<p>THE COMPANY THERE POISONED THE MEAT OF AN OX [space] THAT POISONING STORY WAS TRIED ON THE LAST TRIAL FOUND WANTING [space] COURT: DON’T REFER TO ANYTHING NOT IN THIS TRIAL [space] IF THE MEAT WAS POISONED THERE GENTLEMEN WHERE ARE THE WITNESSES DID NOT SOMEBODY SEE IT DONE [space] AND RIGHT HERE JUST ASK YOU TO EXERCISE YOUR OWN JUDGMENT IN THIS MATTER TAKE A DEAD OX OR ANY OTHER PIECE OF MEAT AND HOW MUCH POISON WOULD IT TAKE JUST CONSIDER HOW FAR THROUGH THAT MEAT POISON WILL SPREAD THAT OF ITSELF IS AN UTTER FALSEHOOD THE IDEA THAT WHEN THE BLOOD HAS STOPPED IN CIRCULATION IN A BEAST THAT POISON IS GOING TO CIRCULATE <del>BETWEEN</del> THROUGHOUT THE ENTIRE ANIMAL [space] BISHOP— [space]</p> <p>WE WILL GO TO THE NEXT FISH STORY IN THE <i>NFSS/CONFESSIONS</i>[?] THEY GAVE THE PAH VANT INDIANS TO EAT CAUSING FOUR OR FIVE OF THEM TO DIE IMMEDIATELY <del>POISON</del> BESIDES POISONING A NUMBER MORE NOW GENTLEMEN WHAT HAVE THE PAH VANT TRIBE TO DO WITH THE PAH UTE TRIBE BELOW BEAVER SUPPOSE THEY HAD POISONED 3 OR FOUR OF THE PAH VANT TRIBE IS THE PAH UTE TRIBE</p>
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**BT**

**PS**

GOING TO REVENGE THE WRONGS OF THE PAH VANT, WHEN THEY THEMSELVES DON'T HOLD ~~TAKE~~ **ARE NOT CONCERNED INTEREST ENOUGH ENOUGH REVENGE AGAINST THEM** TO REVENGE THE DEATH OF MEMBERS OF THEIR OWN TRIBE; IS A TRIBE 100 MILES SOUTH TO REVENGE THAT WRONG? IT IS RIDICULOUS OF ITSELF. NOW, WAS ~~N~~ ANY OF THE PAH VANT TRIBE AT THE MOUNTAIN MEADOWS? MR. HASLAM, ON HIS ROAD NORTH MET THAT TRIBE <sup>[22]</sup> HERE AT CORN CREEK; THAT WAS TWO OR THREE DAYS AFTER THIS MASSACRE COMMENCED; AFTER THEY HAD MADE THE FIRST ATTACK AT MOUNTAIN MEADOWS. THEY HAVE NOT SHOWN BY A SINGLE WITNESS, OR ~~BY~~ ANY WITNESS, THAT A SINGLE INDIAN OF THAT PAH VANT TRIBE EVER WENT SOUTH OF BEAVER; BUT, ON THE CONTRARY, MR. HASLAM TELLS YOU THAT TWO OR THREE DAYS AFTER HE STARTED TO SALT LAKE THAT TRIBE WAS HERE FOLLOWING UP ~~THEIR~~ **OTHER** EMIGRANTS WHO CAME TWO WEEKS AFTER. SECONDLY, IT WAS NOT THE PAH VANT TRIBE THAT HAD ANYTHING TO DO WITH THIS ~~TRIBE~~ **AFFAIR**. AND THERE IS A SECOND STATEMENT THEN WHICH IS UTTERLY FALSE. "THE COMPANY ALSO POISONED THE WATER WHERE THEY ENCAMPED." WELL, GENTLEMEN, THIS IS CORN CREEK. I WOULD LIKE—I DON'T KNOW,- YOU CAN'T OF YOUR

A DISTRICT NATION ARE THEY GOING TO ~~PK/TAKE/ATTACK~~[?] CARRIED OUT THIS AND WHEN THIS PAH VANT TRIBE DON'T TAKE THIS TO HEART ENOUGH TO REVENGE THE DEATH OF THEIR OWN TRIBE. IS A TRIBE 100 MILES SOUTH TO AVENGE THAT WRONG <sup>[15]</sup> IT IS RIDICULOUS OF ITSELF [space] AND NOW WAS ANY OF THE PAH VANT TRIBE AT MOUNTAIN MEADOWS MR. HASLAM ON HIS WAY NORTH MET THAT TRIBE HERE ~~AND~~[?] AT CORN CREEK THAT WAS TWO OR THREE DAYS AFTER THIS MASSACRE HAD COMMENCED IF THEY HAD MADE THE FIRST ATTACK AT MOUNTAIN MEADOWS THEY HAVE NOT SHOWN BY A SINGLE WITNESS OR BY ANY TESTIMONY WHATEVER THAT A SINGLE INDIAN OF THAT PAH VANT TRIBE EVER WENT SOUTH OF BEAVER BUT ON THE OTHER HAND MR. HASLAM TELLS YOU THAT TWO OR 3 DAYS AFTER HE STARTED TO SALT LAKE THAT TRIBE WAS HERE FOLLOWING UP THE EMIGRANTS WHO CAME 2 WEEKS AFTER AND CONSEQUENTLY IT WAS NOT THE PAH VANT TRIBE THAT HAD ANYTHING TO DO WITH THIS KILLING AND THERE IS A SECOND STATEMENT THEN WHICH IS UTTERLY FALSE. [space] "THE COMPANY ALSO POISONED THE WATER WHERE THEY ENCAMPED [space] WELL GENTLEMEN *THIS IS/THOSE*[?] *WHO/SHOULD*[?] CORN CREEK I WOULD LIKE ~ I DON'T KNOW PERHAPS YOU CAN OF YOUR

**BT**

**PS**

OWN JUDGMENT—PERHAPS SOME OF YOU HAVE TRIED IT. I WOULD JUST LIKE TO SEE THE MAN THAT COULD POISON A RUNNING STREAM OF WATER SUFFICIENTLY THAT IT WOULD KILL ANY PERSON. WATER CLEARS AND PURIFIES ITSELF EVERY FEW RODS; AND YOU MIGHT POUR A BARREL OF POISON INTO THE RUNNING STREAM, AND ONE OR TWO MILES BELOW THE EFFECTS OF IT COULD NOT BE PERCEIVED. THIS THING OF POISONING WATER, GENTLEMEN, IS VERY THIN. “ THIS UNGUIDED POLICY, PLANNED IN WICKEDNESS BY THIS COMPANY, RAISED THE IRE OF THE INDIANS, WHICH SOON SPREAD THROUGH THE SOUTHERN TRIBES, FIRING THEM UP WITH REVENGE TILL BLOOD WAS IN THEIR PATH.” THE SOUTHERN TRIBES WERE VERY CONSIDERATE. THESE INDIANS DIED RIGHT HERE. THEY TOOK THIS MEAT FROM THE OX. THEY DIED WITHIN 24 HOURS. THAT TRAIN, AT THAT TIME, WAS NOT 20 MILES FROM CORN CREEK. IF SUCH WAS THE FACT, WHY DIDN’T THE INDIANS FOLLOW THEM IMMEDIATELY? THAT TRAIN WAS NEARLY TWO WEEKS COMING FROM CORN CREEK TO CEDAR. IF SUCH WAS THE CASE, WOULD NOT THEY FOLLOW THE TRAIN RIGHT UP? THE MISCHIEF WAS DONE WHEN THE EMIGRANTS WERE SCARCELY OUT OF THEIR <sup>[23]</sup> SIGHT. WHY MOST CERTAINLY THEY WOULD. “ABOUT THE 22ND OF SEPTEMBER CAPTAIN FRANCHER AND COMPANY FELL VICTIM TO THEIR WRATH, NEAR MOUNTAIN

OWN JUDGMENT PERHAPS SOME OF YOU HAVE TRIED IT I WOULD JUST LIKE TO SEE THE MAN THAT COULD POISON A RUNNING STREAM OF WATER SO THAT IT WOULD KILL ANY PERSON WATER CLEARS AND PURIFIES ITSELF EVERY FEW YARDS/RODS[?] AND YOU MAY POUR BARRELS OF POISON INTO A RUNNING STREAM AND ONE OR TWO MILES BELOW THE EFFECTS OF IT COULD NOT BE PERCEIVED. THIS THING OF POISONING WATER, GENTLEMEN THIS IS VERY THIN THIS MISGUIDED POLICY PLANNED IN WICKEDNESS BY THIS COMPANY RAISED THE IRE OF THE INDIANS WHICH SOON SPREAD THROUGH THE SOUTHERN TRIBES FIRING THEM UP WITH REVENGE <sup>[[16]]</sup> THE SOUTHERN TRIBES WERE VERY CONSIDERATE. *[space]* THESE INDIANS DIED RIGHT HERE THEY ATE THIS MEAT FROM THE OX THEY DIED WITHIN 24 HOURS THAT TRAIN AT THAT TIME WAS NOT 20 MILES FROM CORN CREEK IF SUCH WAS THE FACT WHY DIDN’T THE INDIANS FOLLOW THEM IMMEDIATELY *[space]* THAT TRAIN WAS NEARLY TWO WEEKS GOING FROM CORN CREEK TO CEDAR IF SUCH WAS THE CASE WOULD NOT THEY FOLLOW THE TRAIN RIGHT UP THAT DID THE MISCHIEF WHEN THEY WERE SCARCELY OUT OF THEIR SIGHT WHY MOST CERTAINLY THEY WOULD. *[space]* “ABOUT THE MIDDLE OF SEPTEMBER CAPTAIN FRANCHER AND COMPANY FELL VICTIMS TO THEIR WRATH NEAR MOUNTAIN

**BT**

**PS**

MEADOWS; THEIR CATTLE AND HORSES WERE SHOT DOWN.” GENTLEMEN, DID YOU HEAR ANY TESTIMONY OF THAT KIND? WE CAN TELL YOU, GENTLEMEN, OF THE MEN THAT WERE SHOT DOWN ON THE MOUNTAIN MEADOWS; AND WITNESSES WHO WERE ON THE STAND TELL YOU OF INNOCENT WOMEN THAT WERE SHOT DOWN ON THE MOUNTAIN MEADOWS; OF INNOCENT CHILDREN THAT WERE SHOT DOWN ON THE MOUNTAIN MEADOWS: BUT NOT ONE OF THEM SAW A COW OR AN OX OR A HORSE SHOT DOWN ON THE MEADOWS; NONE OF THOSE WERE SHOT DOWN; THEY WERE DRIVEN OFF. WHERE? THE TESTIMONY IS THAT THERE WAS TWO OR THREE HUNDRED HEAD OF CATTLE THERE. MR. HAMBLIN TELLS YOU THAT ~~HE~~ **HE** SAW TWO YOUNG MEN DRIVING THESE CATTLE TO JOHN D. LEE,S PLACE AT HARMONY. THAT HE KNEW THE CATTLE, AND WHY? BECAUSE THEY WERE TEXAS CATTLE, A DIFFERENT CLASS OF CATTLE FROM ANY THAT HAD **TURNED** UP BEFORE IN THIS TERRITORY. HE SAW THEM ON MOUNTAIN MEADOWS; RECOGNISED THEM AS BELONGING TO THESE EMIGRANTS; AND AFTERWARDS SAW TWO MEN DRIVING THEM TO JOHN D. LEES’ PLACE; AND AFTERWARDS SAW THEEM AT HARMONY IN JOHN D. LERE’S CUSTODY. THERE, GENTLEMEN, IS WHERE THE CATTLE WERE SHOT DOWN. THEY WERE SHOT DOWN AT HAREMONY BY JOHN D. LEE, AND BY THE INDIANS LONG AFTER THE

MEADOWS THEIR CATTLE AND HORSES SHOT DOWN” GENTLEMEN DID YOU HEAR ANY TESTIMONY OF THAT KIND WE CAN TELL YOU GENTLEMEN OF MEN SHOT DOWN ON MOUNTAIN MEADOWS AND WITNESSES HERE WHO WERE ON STAND TOLD YOU OF INNOCENT WOMEN THAT— MOUNTAIN MEADOWS INNOCENT BABES [*space*]

BUT NOT ONE OF THEM SAW A COW OR OX OR HORSE SHOT DOWN ON MEADOWS NO THEY SAY AFTER ALL THIS WAS DONE THEY WERE DRIVEN OFF WHERE? THE TESTIMONY IS THAT THERE WAS 2 OR 3 HUNDRED HEAD OF CATTLE THERE MR. HAMBLIN TELLS YOU THAT HE SAW TWO YOUNG MEN DRIVING THESE CATTLE TO JOHN D. LEE’S PLACE AT HARMONY THAT HE KNEW THE CATTLE AND WHY BECAUSE THEY WERE TEXAN CATTLE DIFFERENT CLASS OF CATTLE FROM ANY THEY HAD IN THIS TERRITORY AT THE TIME [*space*] HE SAW THEM ON MOUNTAIN MEADOWS RECOGNIZED THEM AS BELONGING TO THESE EMIGRANTS [*space*] AFTERWARDS <sup>[[17]]</sup> SAW TWO MEN DRIVING THEM TO JOHN D. LEE’S PLACE AND AFTERWARDS SAW THEM AT HARMONY IN JOHN D. LEE’S CUSTODY THERE GENTLEMEN IS WHERE THE CATTLE WERE SHOT DOWN THEY WERE SHOT DOWN AT HARMONY BY JOHN D. LEE AND BY THE INDIANS LONG AFTER THE ~~INDIANS~~

**BT**

**PS**

<p>DEED WAS COMMITTED; AND THE MEAT WAS FEATEN AT THE SAME PLACE. THERE MAY BE A GREAT DEAL OF TRUTH IN THE STATEMENT THAT THE CATTLE WERE SHOT DOWN, BUT NOT AT MOUNTAIN MEADOWS. "THEIR WAGONS AND PROPERTY MOSTLY COMMITTED TO THE FLAMES." GENTLEMEN, MR. NEPHI JOHNSON STAID THERE AND WATCHED THERE TILL THE NEXT MORNING; TILL HAIGHT AND HIGBEE CAME AFTER THE PROPERTY, AS HE TELLS YOU. WAS THERE A SINGLE WITNESS ON THE STAND THAT TOLD YOU <sup>[24]</sup> OF A SINGLE PIECE OF PROPERTY THAT WAS COMMITTED TO THE FLAMES? NO, NOT ONE. BUT OF THAT PROPERTY TWO OF THE WAGONS WERE SENT <b>TO</b> HARMONY IN THE CUSTODY OF JOHN D. LEE. THE REST WAS TAKEN AWAY <b>BY</b> OTHERS; SOME TO CEDAR AND OTHER PLACSES; BUT NOT A PARTICLE WAS COMMITTED TO THE FLAMES. NOW, GENTLEMEN, THIS IS THE TESTIMONY OF JOHN D. LEE; THIS <b>IS</b> HIS OWN WRITTEN STATEMENT. THERE IS NO TRUTH IN THE STATEMENT THAT THE PROPERTY WAS COMMITTED TO THE FLAMES. YOU KNOW IT IS FALSE; HE KNEW IT WAS FALSE WHEN HE WROTE IT; IT IS FALSE. THAT PROPERTY WAS TAKEN BY HIM, AND WAS TAKEN AWAY FROM THERE. NOT A SINGLE COW OR OX OR CALF WAS SHOT DOWN THERE, UNLESS IT WAS FOR THEIR</p>	<p>DEED WAS COMMITTED AND THE MEAT WAS EATEN AT THE SAME PLACE [space] THERE MAY BE GREAT DEAL OF TRUTH IN THE THAT THE CATTLE WERE SHOT DOWN BUT NOT AT THE MOUNTAIN MEADOWS [space] THEIR WAGONS AND CATTLE MOSTLY COMMITTED TO THE FLAMES" GENTLEMEN MR. NEPHI JOHNSON STAYED THERE AND WATCHED THERE TILL THE NEXT MORNING TILL HAIGHT AND HIGBEE CAME <del>FROM</del> FOR THE PROPERTY AS HE TELLS YOU WAS THERE A SINGLE WITNESS ON THIS STAND THAT TOLD YOU OF A SINGLE PIECE OF PROPERTY THAT WAS COMMITTED TO THE FLAMES NO NOT ONE [space] BUT THAT PROPERTY <del>WAS</del> [space] TWO WAGONS WERE AFTERWARD SEEN AT HARMONY IN CUSTODY OF JOHN D. LEE THE REST WAS TAKEN AWAY BY OTHERS SOME TO CEDAR AND OTHER PLACES NOT A PARTICLE WAS COMMITTED TO THE FLAMES NOW GENTLEMEN THIS IS THE TESTIMONY OF JOHN D. LEE [space] THIS IS HIS OWN FALSE WRITTEN STATEMENT <del>UPON HIS WORDS</del> THERE <sup>733</sup> IS NO SECRET AS TO WHAT WAS DONE WITH THAT PROPERTY YOU KNOW IT IS FALSE HE KNEW IT WAS FALSE WHEN HE WROTE IT IT IS FALSE [space] THAT PROPERTY WAS TAKEN BY HIM AND WAS TAKEN AWAY FROM THERE NOT A SINGLE COW OR OX OR CALF WAS SHOT DOWN THERE UNLESS IT WAS FOR THEIR</p>
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733. Rogerson's hand symbol is in the left margin.

**BT**

**PS**

OWN FOOD; AND NOT A SINGLE WAGON WAS EVER COMMITTED TO THE FLAMES. THIS THEN, GENTLEMEN, IS HIS STATEMENT, MADE TWO MONTHS AFTER THE MASSACRE — HIS REPORT. IT IS AN OFFICIAL DOCUMENT. HE WAS FARMER TO THE INDIANS; AND HE ~~W~~MAKES OUT THIS REPORT TO THE SUPERINTENDANT OF INDIAN AFFAIRS, AT SALT LAKE. IT IS AN OFFICIAL REPORT ~~OF THE~~ ~~CONDITION~~ OF THE CONDITION OF THE INDIANS IN THAT TRANSACTION. AS ~~A~~FFAR AS THAT PART OF IT IS CONCERNED IT IS ~~U~~RTTERLY FALSE; AND IT IS TO BE CONSIDERED MOST STRONGLY AGAINST HIM. WE NOW PASS ON TO MR. HAMBLIN'S TESTIMONY. I WISH YOU WOULD CONSIDER, GENTLEMEN, WHETHER THIS IS COMPETENT TESTIMONY. WE HAVE MR. MC MURDYS TESTIMONY. HE HAS BEEN HERE OVER 20 YEARS.. THE NEXT WITNESS IS MR. NEPHI JOHNSON. YOU SAW MR. JOHNSON ON THE STAND. DID HE IMPRESS YOU AS A MAN WHO WAS TELLING THE TRUTH, OR A MAN WHO WAS SWEARING TO A FALSEHOOD? AT THE TIME HE WAS ORDERED TO GO TO THE MOUNTAIN MEADOWS HE WAS A YOUNG MAN, SCARCELY 20 YEARS OF AGE. COUNCIL ASKED HIM WHY HE DIDN'T OBJECT TO THE ORDERS GIVEN BY LEE AND OTHERS. WHAT WAS HIS ANSWER? HE SAID HE DIDN'T CONSIDER IT HIS BUSINESS TO INTERFERE WITH THE ORDERS OF HIS SUPERIORS. HE WAS <sup>[25]</sup> ONLY A YOUNG MAN AT

OWN FOOD AND NOT A SINGLE WAGON EVER COMMITTED TO THE FLAMES [space] THIS THEN GENTLEMEN IS HIS STATEMENT MADE WITHIN TWO MONTHS HIS REPORT <sup>[[18]]</sup> IT IS AN OFFICIAL DOCUMENT HE WAS FARMER TO THE INDIANS MAKES THIS TO THE SUPERINTENDENT OF INDIANS ~~MAKES~~ AT SALT LAKE IT IS OFFICIAL REPORT OF THE CONDITION OF THE INDIANS IN THAT TRANSACTION ~~IF/FOR~~[?] FAR AS THAT PART OF IT IS CONCERNED THEN IT IS UTTERLY FALSE AND IT ~~WAS~~ IS TO BE CONSIDERED MOST STRONGLY AGAINST HIM. WE NOW PASS ON TO MR. HAMBLIN'S TESTIMONY I WISH YOU WOULD CONSIDER GENTLEMEN ~~NOW~~ WHETHER THIS IS COMPETENT TESTIMONY [space] WE HAVE MR. MC MURDYS TESTIMONY HE HAS BEEN HERE OVER 20 YEARS [space] NEXT WITNESS IS MR. NEPHI JOHNSON YOU SAW MR. JOHNSON ON THE STAND DID HE IMPRESS YOU AS A MAN WHO WAS TELLING TRUTH OR A MAN WHO WAS SWEARING TO A FALSEHOOD AT THE TIME HE WAS ORDERED TO GO TO MOUNTAIN MEADOWS HE WAS A YOUNG MAN SCARCELY 20 YEARS [space] OF AGE COUNSEL ASKED HIM WHY HE DIDN'T OBJECT TO THE ORDERS GIVEN BY LEE AND OTHERS WHAT WAS HIS ANSWER SAID HE DIDN'T CONSIDER IT HIS BUSINESS TO INTERFERE WITH THE ORDERS OF HIS SUPERIORS AND THOSE WHO WERE ABOVE HIM HE WAS ONLY A YOUNG MAN AT



**BT**

**PS**

THAT TIME. HE WAS SENT THERE AS AN INTERPRETER. NOW, HIS TESTIMONY, AND I UNDERTAKE TO SAY GENTLEMEN, THAT NOT ONE OF YOU WILL DOUBT IT—HE ~~WHAS~~ BEEN A RESIDENT OF UTAH 20 YEARS, AND IS YET A RESIDENT OF IT. HE CORROBERATES MR. KNIGHT AS TO THE FIRST FIRING OF A GUN. HE ALSO CORROBERATES MR. ~~JOHN~~ MR. MC MURDY. JOHN D. LEE TOLD THE INDIANS IN HIS PRESENCE THAT THE FIRST ATTACK MADE THE INDIANS WERE REPULSED, & AND **THEY** COMPELLED HIM TO LEAD THEM FOR A SECOND ATTACK. THAT IS NO EXCUSE FOR SUCH A HIENOUS CRIME.; THAT CAN'T CERTAINLY BE ANY JUSTIFICATION TO HIM; THERE CERTAINLY SHOULD BE NO REASON WHY HE SHOULD GO ON THE FIELF AND BE THE MOST INCARNATE FIEND FOF ANY OF THE SAVAGES THERE. NOT AT ALL. TALK ABOUT THE SAVAGES, IF YOU EVER SAW A WHITE MAN A SAVAGE YOU SEE HIM THERE NOW. MR. JOHNSON CORROBERATES THESE ADMISSIONS. WE WILL TAKE UP NOW MR. JACOB HAMBLIN. MR. HAMBLIN HAS BEEN A RESEIDENT OF THIS TERRITORY FOR OVER 20 YEARS. HE RESIDED AT THAT TIME WHERE HE RESIDES NOW. HE HAS LIVED THERE ALL THAT TIME. PERHAPS SOME OF YOU KNOW HIM. DID HIS APPEARANCE ON THE STAND IMPRESS YOU FAVORABLY, OR OTHERWISE? WHAT WERE THE ADMISSIONS MADE TO HIM? MIND YOU THIS IS THE THIRD MAN THAT HE HAS

THAT TIME HE WAS SENT THERE AS AN INTERPRETER [*space*] NOW HIS TESTIMONY AND I UNDERTAKE TO SAY GENTLEMEN THAT NO ONE OF YOU WILL DOUBT IT BEEN A RESIDENT OF UTAH 20 AND IS A RESIDENT TODAY HE CORROBORATES MR. KNIGHT AS TO THE FIRST FIRING OF A GUN [*space*] CORROBORATES MR. MC MURDY JOHN D. LEE TOLD THE INDIANS IN HIS PRESENCE THAT THE FIRST ATTACK MADE AND INDIANS WERE REPULSED AND THEY COMPELLED HIM TO LEAD THEM IN THE SECOND ATTACK THAT IS NO EXCUSE FOR HIS HEINOUS <sup>[[19]]</sup> CRIME [*space*] THAT CERTAINLY CAN'T BE ANY JUSTIFICATION TO HIM THAT CERTAINLY SHOULD BE NO REASON WHY HE SHOULD GO ON THE MOUNTAIN MEADOWS AND BE THE MOST PERFECT INCARNATE FRIEND OF ANY OF THE SAVAGES THERE NOT AT ALL TALK ABOUT THE SAVAGE IF YOU EVER SAW A WHITE MAN A SAVAGE YOU SEE HIM THERE NOW MR. JOHNSON CORROBORATES THESE ADMISSIONS WE WILL TAKE UP NOW MR. JAKE HAMBLIN MR. HAMBLIN HAS BEEN A RESIDENT OF ~~UTAH~~ THIS TERRITORY FOR OVER 20 YEARS HE RESIDED AT THAT TIME WHERE HE RESIDES NOW HE HAS LIVED THERE ALL THAT TIME PERHAPS SOME OF YOU KNOW HIM DID HIS APPEARANCE ON THE STAND IMPRESS YOU FAVORABLY OR OTHERWISE WHAT WERE THE ADMISSIONS NOW MADE TO HIM MIND YOU THIS IS THE THIRD MAN THAT HE HAS

**BT**

**PS**

MADE THESE ADMISSIONS TO, OF HIS ACTIONS IN THIS TERRIBLE AFFAIR. THE THIRD MAN, AND THAT TOO, AT CORN CREEK, MILES AWAY FROM THE SCENE; AND IT WAS MADE UNDER NO COMPULSION; IT WAS IN A CONVERSATION WITH MR. HAMBLIN WHEN HE MET HIM COMING FROM SALT LAKE. HE MADE THESE CONFESSIONS TO HIM VOLUNTARILY. THEY ARE THE SAME AS MADE TO KNIGHT AND JOHNSON, THAT THE INDIANS FIRST MADE AN ATTACK AND THEN COMPELLED HIM TO FOLLOW; AND HE ALSO MAKES CERTAIN OTHER STATEMENTS TO MR. HAMBLIN, NAMELY, THE REASON WHY IT WAS ACCOMPLISHED: THAT THE FIRST ATTACK BEING MADE, THEN IT WAS NECESSARY FOR THEM TO FOLLOW IT UP AND MAKE AN END TO THE TRAIN, OR ELSE THEY <sup>[26]</sup> WOULD GO THROUGH TO CALIFORNIA AND RETURN WITH AN ARMY AND DESTROY ALL OF THE SOUTHERN SETTLEMENTS. THAT IS THE REASON HE GAVE FOR THE MURDER. THAT IS ONE REASON; ANOTHER WAS THAT TWO OR THREE OF THOSE MEN HAD ESCAPED TO & RETURN; AND CONSIDERING ONE WAS KILLED AT PINTO: AND SECONDLY- ONE BEING KILLED IT BECAME NECESSARY FOR THEM TO KILL THE WHOLE TRAIN; BECAUSE IF THEY HAD STARTED TO MASSACRE THE TRAIN AND HAD KILLED A PORTION OF THEM, IF ANY OF THEM WERE ALLOWED TO RETURN - TO ESCAPE -

MADE THESE ADMISSION TO OF HIS CONNECTIONS WITH THIS TERRIBLE AFFAIR [space] THE THIRD MAN AND THAT TOO AT CORN CREEK MILES AWAY FROM THE SCENE AND IT WAS MADE UNDER NO COMPULSION IT WAS MADE IN A CONVERSATION WITH[?] HIM HE WAS RETURNING FROM SALT LAKE AND HE MADE THESE CONFESSIONS TO HIM VOLUNTARILY [space] THEY ARE THE SAME AS MADE TO KNIGHT AND TO JOHNSON THAT THE INDIANS FIRST MADE AN ATTACK AND THEN COMPELLED HIM TO FOLLOW AND HE ALSO MAKES CERTAIN OTHER STATEMENTS TO MR. HAMBLIN NAMELY THAT THE END WHY IT WAS ACCOMPLISHED AFTER THE FIRST ATTACK BEING MADE THEN IT WAS NECESSARY FOR THEM TO FOLLOW IT UP AN MAKE AN END TO THE TRAIN OR ELSE THEY WOULD GO THROUGH TO CALIFORNIA AND RETURN WITH AN ARMY AND DESTROY ALL OF THE SOUTHERN SETTLEMENTS THAT IS THE REASON HE GIVES FOR THE MURDER THAT IS ONE REASON ANOTHER REASON WAS THAT TWO OR 3 OF THOSE MEN HAD <sup>[[20]]</sup> ESCAPED AND WERE ENDEAVORING TO RETURN TO CEDAR AND ONE WAS KILLED AT PINTO AND CONSEQUENTLY ONE BEING KILLED IT BECAME NECESSARY FOR THEM TO KILL THE WHOLE TRAIN BECAUSE IF THEY HAD STARTED TO MASSACRE THE TRAIN AND HAD KILLED A PORTION OF THEM IF ANY OF THEM WERE ALLOWED TO ESCAPE THAT

**BT**

**PS**

IT WOULD BE BAD FOR THE  
SETTLERS. THERE IS ANOTHER  
STATEMENT WHICH HE MAKES,  
AND THAT IS, HE  
WENT OUT THERE BEFORE THE  
ATTACK WAS MADE WITH THE  
INDIANS. THIS IS THE REASON HE  
GAVE FOR BEING UPON THE  
GROUND, THAT THEY WENT THERE  
TO WATCH THIS TRAIN AGAINST  
COMMITTING ANY DEPREDATIONS  
ON THE SETTLEMENTS AND THE  
SETTLER;S; THAT HE AND THE SE  
INDIANS WENT TO  
WATCH THEM AND SEE THAT THEY  
COMMITTED NO DEPREDATIONS  
UPON THE SETTLEMENTS. NOW,  
GEMNTLEMEN, HOW MANY  
SETTLEMENTS ARE THERE BEYOND  
CLARA? HOW MANY BEYOND  
CLARA? AND HOW WERE THEY IN  
1857?? THERE IS PIOCHE, WHICH  
AT THAT TIME, CONSISTED OF TWO  
OR THREE FAMILIES. THAT ROAD  
GOES OVER INTO THE MEADOWS;  
BEYOND THAT IS A BLANK  
WILDERNESS. HOW MANY  
SETTLEMENTS WERE THERE DOWN  
THERE TO BE PROTECTED? THIS  
**MUCH** THEN, ON THE ADMISSION  
OF JOHN D. LEE MADE  
TO A RELIABLE WITNESS AND A  
COMPETENT WITNESS.. MR.  
HAMBLIN, AS HE TESTIFIES, THAT,  
WHILE HE RESIDED WITHIN THREE  
OR FOUR MILES OF THE GROUND, WAS  
AT THE TIME IN SALT LAKE;  
AND THE FIRST TIME HE HEARD OF  
IT WAS ON HIS RETURN; HE MEETS  
JOHN D. LEE AT CORN CREEK,  
SOMETHING † LIKE A HUNDRED  
MILES AWAY FROM THE SCENE OF  
THE MASSACRE; AND THERE HE  
MAKES THIS FULL, OPEN

IT WOULD BE BAD FOR THE  
SETTLEMENTS THERE IS ANOTHER  
STATEMENT WHICH HE MAKES TO  
MR HAMBLIN AND THAT IS THAT HE  
WENT DOWN BEFORE THE  
ATTACK WAS MADE AND WITH THE  
INDIANS THIS IS THE REASON HE  
GIVES FOR BEING UPON THE  
GROUND THAT THEY WENT THERE  
TO WATCH THIS TRAIN AGAINST  
COMMITTING ANY DEPREDATIONS  
TO THE SETTTLERS [space] TRAIN HAD  
MADE THREATS [space] AND HE  
WITH THE INDIANS WENT TO  
WATCH THEM TO SEE THAT THEY  
COMMITTED NO DEPREDATIONS  
UPON THE SETTLEMENTS NOW  
GENTLEMEN HOW MANY  
SETTLEMENTS ARE THERE BEYOND  
CEDAR HOW MANY BEYOND  
CEDAR AND HOW WERE THEY  
1857 [space] THERE IS PIOCHE WHICH  
AT THAT TIME CONSISTED OF 2  
OR 3 FAMILIES THE ROAD  
GOES OVER INTO THE MEADOWS  
BEYOND THAT IS A BLANK  
WILDERNESS HOW MANY  
SETTLEMENTS WERE THERE DOWN  
THERE TO BE PROTECTED THIS  
THEN ON THE ADMISSION  
GENTLEMAN OF JOHN D. LEE MADE  
TO A RELIABLE WITNESS AND A  
COMPETENT WITNESS MR.  
HAMBLIN AS HE TESTIFIES THAT  
WHILE HE LIVES WITHIN 3  
OR FOUR MILES OF THE GROUND  
WAS AT SALT LAKE  
AND FIRST HE HEARD OF  
IT WAS ON HIS RETURN HE MEETS  
JOHN D. LEE AT CORN CREEK  
SOMETHING LIKE 100  
MILES AWAY FROM THE SCENE OF  
THE MASSACRE AND THERE HE  
MAKES THIS FULL AND OPEN

**BT**

**PS**

CONFESSION. IS HE TO BE BELIEVED? DO YOU BELIEVE IF THESE THINGS DIDN'T OCCUR THAT JOHN D. LEE WOULD VOLUNTARILY ADMIT: THAT HE WAS ENGAGED IN SUCH A DAMNABLE TRANSACTION? NO, SIR, NO MAN WOULD ADMIT <sup>[27]</sup> THAT HE WAS A LEADER, OR EVEN WAS ENGAGED IN SUCH A TRANSACTION AS THAT, WILLINGLY. IT, THEN, BEING AN ADMISSION MADE BY JOHN D. LEE AND MADE TO MR. JACOB HAMBLIN, IS THE STRONGEST KIND OF PROOF AGAINST HIM. YOU DON'T DOUBT MR. HAMBLIN'S TESTIMONY, THAT JOHN D. LEE TOLD HIM, AND MADE THIS CONFESSION TO HIM. IF THEY WERE NOT TRUE, WHY DID HE MAKE THEM; FOR THEY WERE TESTIMONY STRONG ENOUGH AND SUFFICIENT TO CONVICT HIM. NOW, GENTLEMEN, THIS IS NOT ALL THAT HE TOLD MR. HAMBLIN. IT IS A THING WHICH I HAVE HEARD OF BEFORE; BUT NEVER COULD FIND OUT ANY RELIABLE PROOF OF IT, UNTIL I GOT IT FROM HIS OWN CONFESSION. YOU HEARD THE TESTIMONY ABOUT THE TWO YOUNG GIRLS THAT WERE BROUGHT IN BY THE INDIAN CHIEF; GIRLS WHO HAD ESCAPED FROM THE GENERAL SCENE OF THE MASSACRE TO THE TIMBER OR BRUSH SOME HUNDRED YARDS BEYOND, OR MORE, AND BROUGHT IN BY THE INDIAN CHIEF; FOR, INDIAN SAVAGE <THOUGH> THAT HE WAS, WANTED TO SAVE THEM ACCORDING TO THE DEFENDANTS OWN TESTIMONY,

CONFESSION IS HE TO BE BELIEVED DO YOU BELIEVE IF THESE THINGS DIDN'T OCCUR THAT JOHN D. LEE WOULD VOLUNTARILY ADMIT THAT HE WAS ENGAGED IN SUCH A <sup>[[21]]</sup> DAMNABLE TRANSACTION NO SIR NO MAN WOULD ADMIT THAT HE WAS A LEADER OR EVEN WAS ENGAGED IN SUCH A TRANSACTION AS THAT WILLINGLY IT BEING AN ADMISSION THEN MADE BY JOHN D. LEE AND MADE TO MR. JAKE HAMBLIN IS THE STRONGEST KIND OF PROOF AGAINST HIM YOU DON'T DOUBT MR. HAMBLIN'S TESTIMONY THAT JOHN D. LEE TOLD HIM AND MADE THIS CONFESSION TO HIM IF THAT WERE NOT TRUE WHY DID HE MAKE THEM FOR THEY WERE TESTIMONY SUFFICIENT TO CONVICT HIM ALONE. NOW GENTLEMEN THIS IS NOT ALL THAT HE TOLD MR. HAMBLIN IT IS A THING WHICH I HAVE HEARD OF BEFORE BUT NEVER COULD FIND ANY RELIABLE PROOF OF IT UNTIL I GOT IT FROM HIS OWN CONFESSION YOU HEARD THE TESTIMONY ABOUT THE TWO YOUNG GIRLS THAT WERE BROUGHT IN BY THE INDIAN CHIEF GIRLS WHO HAD ESCAPED FROM THE GENERAL SCENE OF THE MASSACRE TO THE TIMBER OR BRUSH BEYOND SOME HUNDRED YARDS MORE AND BROUGHT IN BY AN INDIAN CHIEF FOR INDIAN SAVAGE THOUGH HE WAS WANTED TO SAVE THEM ACCORDING TO THE DEFENDANTS OWN TESTIMONY

**BT**

**PS**

THAT IS, ACCORDING TO THE ADMISSION THAT HE MADE TO MR. JACOB HAMBLIN. THAT SAVAGE-, AS HE WAS, WANTED TO SAVE THOSE INNOCENT GIRLS; BUT WHAT WAS THE DEFENDANTS DECISION? NO, THEY ARE TOO LARGE, THEY ARE TOO BIG: WE WANT NO ONE THAT CAN TELL TALES.. IF HE WAS ENGAGED IN AN ACT OF MERCY, AS HE TRIES TO MAKE YOU BELIEVE, WOULD HE WANT TO SUPPRESS TESTIMONY THAT WOULD SHOW THAT HE WAS MERCIFUL? IF HE WAS ENGAGED THERE ENDEAVORING TO KEEP BACK THE INDIANS, -WOULD HE NOT WANT SOME ONE TO SORT OF TELL OF HIS MERCY? BUT NO, THESE INNOCENT GIRLS MUST BE SACRIFICED BECAUSE THEY ARE TOO OLD, THEY CAN TELL TALES. THEY PERHAPS COULD TELL WHO FIRED THE FIRST GUN. THEY COULD TELL WHO WAS THE LEADER AT THE MASSACRE. THEY COULD TELL BY WHAT PROMISES THE MEN WERE INDUCED TO LAY DOWN THEIR ARMES, AND THE INNOCENT WOMEN AND CHILDREN WERE LED OUT FROM THEIR CAMP; BUT THAT KIND OF MERCY THE DEFENDANT <sup>[28]</sup> DIDN'T WANT TO BE TOLD. THEY WERE MURDERED, THEN, IN COLD-BLOOD. AND WHAT DOES MR. HAMBLIN TELL YOU? AFTER HE RETURNED FROM SALT LAKE HE TOLD IT TO HIS INDIAN BOY; THAT THEY WENT TO THE PLACE DESCRIBED BY MR. LEE AND WHAT DID THEY FIND? HIS TESTIMONY WAS THAT LEE CUT THE THROAT OF ONE OF THOSE GIRLS, AND THE INDIAN KILLED

THAT WAS ACCORDING TO THE ADMISSION THAT HE MADE TO MR. JAKE HAMBLIN THAT SAVAGE AS HE WAS WANTED TO SAVE THOSE INNOCENT GIRLS BUT WHAT WAS THE DEFENDANT'S DECISION NO THEY ARE TOO LARGE THEY ARE TOO BIG WE WANT NO ONE THAT CAN TELL TALES. IF HE WAS ENGAGED IN AN ACT OF MERCY AS HE TRIES TO MAKE YOU BELIEVE WOULD HE WANT TO SUPPRESS TESTIMONY THAT WOULD SHOW THAT HE WAS MERCIFUL IF HE WAS ENGAGED THERE ENDEAVORING TO KEEP BACK THE INDIANS WOULD HE NOT WANT SOME ONE TO *SWEAR*[?] TO TELL OF HIS MERCY [*space*] BUT NO THESE INNOCENT GIRLS MUST BE SACRIFICED BECAUSE THEY ARE TOO OLD THEY CAN TELL TALES [*space*] THEY PERHAPS COULD TELL WHO FIRED THE FIRST GUN THEY COULD TELL WHO WAS THE LEADER OF THAT MASSACRE THEY COULD TELL BY WHAT PROMISES THE MEN WERE INDUCED TO LAY DOWN THEIR ARMS AND THE INNOCENT WOMEN <sup>[22]</sup> AND CHILDREN WERE LED OUT FROM THEIR CAMP BUT THAT KIND OF MERCY THE DEFENDANT DIDN'T WANT TO BE TOLD THEY WERE MURDERED THEN IN COLD-BLOOD AND WHAT DOES MR. HAMBLIN TELL YOU AFTER HE RETURNED FROM SALT LAKE HE TOLD IT TO HIS INDIAN BOY THEY WENT TO THE PLACE DESCRIBED BY MR. LEE AND WHAT DO THEY FIND HIS TESTIMONY WAS THAT HE CUT THE THROAT OF ONE OF THOSE GIRLS AND THE INDIAN KILLED

**BT**

**PS**

THE OTHER. HE FINDS A VERIFICATION OF EVERYTHING THAT JOHN D. LEE TOLD HIM; HE FINDS THERE THE BODIES OF THOSE YOUNG GIRLS LYING IN THE BRUSH, THERE ON THE MOUNTAIN SIDE WITH THEIR THROATS CUT. IS NOT THAT, GENTLEMEN, A MOST TERRIBLE CONFIRMATION OF THE TRUTH OF HIS STATEMENTS; WHEN HE POINTS TO THE PLACE, TELLS THEM OF THE SLANT WHERE THEY WILL FIND THE REMAINS OF HIS VICTIMS, AND THEN THEY GO AND FIND THEM? WHAT MORE DO YOU WANT?

ADMITTING THAT HE WAS UNDER COMPULSION TO ATTACK THE MAIN BODY OF THE EMIGRANTS; AND EVEN THAT SAVAGES PLANNED THEIR DESTRUCTION; FROM HIS OWN STATEMENT, HE COULD HAVE SAVED THOSE GIRLS; BUT THAT IN COLD BLOOD HE CUTS THEIR THROATS. WHERE WAS THE COMPULSION THERE? IF THAT SAVAGE, IF THAT INDIAN DESIRED TO SAVE THEM, COULD NOT JOHN D. LEE HAVE CONCEALED THEM AND SAVED THEM IF HE DESIRED TO? IF HE WAS THERE ON AN ACT OF MERCY COULD HE NOT HAVE SHOWN IT BY SPARING THOSE INNOCENT CHILDREN? DID HE DO IT? NO SIR; HE WAS SIMPLY CARRYING OUT THE DEPLORABLE PLAN WHICH HE STARTED IN WITH. HIS THIRST FOR BLOOD WAS RAISED AND NOTHING BUT BLOOD WOULD SATISFY HIS BLOODY NATURE. THE LAST ONE WHO

THE OTHER [space] HE FINDS A VERIFICATION OF EVERYTHING WHICH JOHN D. LEE HAS TOLD HIM HE FINDS THERE THE BODIES OF THOSE YOUNG GIRLS LYING IN THE BRUSH THERE ON THE MOUNTAIN SIDE WITH THEIR THROATS CUT AND IS NOT THAT GENTLEMEN A MOST TERRIBLE CONFIRMATION OF THE TRUTH OF HIS STATEMENTS [space] WHEN HE POINTS TO THE PLACE AND TELLS THEM OF THE MOUNT/SLANT[?] WHERE THEY WILL FIND THE REMAINS OF HIS VICTIMS AND THEN THEY GO AND FIND THEM WHAT MORE PROOF DO YOU WANT AND MIND YOU GENTLEMEN ~~WAS THERE A/AND[?]~~ ~ ADMIT IF YOU CAN THAT THERE WAS NO CONFESSION AS TO THE ATTACK AND THE MURDER OF THE MAIN BODY OF THE EMIGRANTS IF THE SAVAGE WRATH HAD BEEN ALLOWED HERE IS THE TESTIMONY IF THIS HAD OCCURRED THESE TWO INNOCENT GIRLS AND YET IN COLD BLOOD HE CUTS THEIR THROATS WHERE WAS THE COMPULSION THERE IF THAT SAVAGE IF THAT INDIAN DESIRED TO SAVE THEM COULD NOT JOHN D. LEE HAVE CONCEALED THEM AND SAVED THEM IF HE DESIRED TO [space] IF HE WAS THERE ON AN ACT OF MERCY COULD HE NOT HAVE SHOWN IT BY CONCEALING THOSE INNOCENT CHILDREN [space] DID HE DO IT NO SIR HE WAS SIMPLY CARRYING OUT THE DIABOLICAL PLAN WHICH HE STARTED IN WITH HIS THIRST FOR BLOOD WAS RAISED AND NOTHING BUT BLOOD WOULD SATISFY HIS BLOODY NATURE <sup>[[23]]</sup> THE LAST ONE THAT

**BT**

**PS**

<p>COULD TELL OF THOSE SIGNS AND HORROR MUST BE MURDERED; AND HE WAS THE MAN WHO KILLED THE FIRST AND KILLED THE LAST. GENTLEMEN, I DON'T CARE TO DWELL UPON THIS ANY LONGER. THE TESTIMONY IS ALL BEFORE YOU. IT IS PLAIN; THERE IS NO DEROGATION IN IT FROM ONE END TO THE OTHER. IT IS RELIABLE BECAUSE IT IS TESTIMONY, MOST OF WHICH COMES FROM THE MOUTH OF THE DEFENDANT HIMSELF. IT IS NECESSARY FOR YOU TO SAY, GENTLEMEN WHAT SHALL BE THE PUNISHMENT. <sup>[29]</sup> IF YOU FIND THAT HE WAS THERE AS STATED BY THE WITNESSES, YOUR VERDICT CAN BE BUT ONE THING. I TRUST THEN, GENTLEMEN, OF THE JURY, THAT YOU WILL TAKE THIS TESTIMONY AS IT IS GIVEN IN; THAT YOU WILL CONSIDER IT CAREFULLY; AND IF YOU FIND THE DEFENDANT HAS BEEN GUILTY OF ONE TENTH PART OF WHAT IT HAS SHOWN HERE, SAY BY YOUR VERDICT THAT HE IS GUILTY. <sup>[Bk 3 1]</sup> <b>2<sup>ND</sup> LEE TRIAL 3) (BOOK 3.)</b> JUDGE FORSTERS ADDRESS TO THE JURY. <b>(FOLLOWING MR DENNY)</b> MAY IT PLEASE YOUR HONOR AND GENTLEMEN OF THE JURY, IN THE BEGINNING IT WAS NOT MY INTENTION TO ADDRESS THIS JURY, OR TO DO MORE THAN SIMPLE TO ASSIST IN THE PREPARATION, OR ASSIST IN PRESENTING THE CASE. MY ASSOCIATES HAVE SEEN FIT, HOWEVER, TO ASSIGN ME THE</p>	<p>COULD TELL OF THOSE SCENES OF HORROR MUST BE MURDERED AND HE WAS THE MAN WHO KILLED THE FIRST AND KILLED THE LAST [space] GENTLEMEN I DON'T CARE TO DWELL UPON THIS LONGER AND THE TESTIMONY IS ALL NOW BEFORE YOU IT IS PLAIN THERE IS NO DEROGATION IN IT FROM ONE END TO THE OTHER IT IS RELIABLE BECAUSE IT IS THE TESTIMONY MOST OF IT WHICH COMES FROM THE MOUTH OF THE DEFENDANT HIMSELF IT IS UNNECESSARY FOR ME TO SAY GENTLEMEN WHAT SHOULD BE THE PUNISHMENT IF YOU FIND THAT HE WAS THERE AS STATED BY THE WITNESSES YOUR VERDICT CAN BE BUT ONE THING I TRUST THEN GENTLEMEN OF THE JURY THAT YOU WILL TAKE THIS TESTIMONY AS IT IS GIVEN IN THAT YOU WILL CONSIDER IT CAREFULLY AND IF YOU FIND THAT THE DEFENDANT THERE HAS BEEN GUILTY OF ONE TENTH PART OF WHAT IT HAS SHOWN HERE THAT HE WAS AND SAY BY YOUR VERDICT THAT HE IS GUILTY. [space] <del>TRANSCRIBED</del><sup>734</sup> <b>JUDGE FOSTER FOR DEFT</b></p> <p>MAY IT PLEASE OUR HONOR AND GENTLEMEN OF THE JURY [space] IN THE BEGINNING IT WAS NOT MY INTENTION TO ADDRESS THIS JURY OR TO DO MORE THAN SIMPLY TO ASSIST IN THE PREPARATION AND ASSIST IN PRESENTING THE CASE MY ASSOCIATES HAVE SEEN FIT HOWEVER TO ASSIGN ME THE</p>
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734 “TRANSCRIBED” in Rogerson’s longhand in the left margin and above “FOR” in first line.

**BT**

**PS**

<p>POSSITION OF POPENING THE CASE. IN DOING SO I SHALL ATTEMPT TO DO SO AS BRIEFLY AS POSSIBLE; AND PRESENT THE POINTS AS CLEARLY AS I KNOW HOW. IN THE FIRST PLACE, GENTLEMEN OF THE JURY, YOU ARE CALLED UPON TO DETERMINE THE CZASE. THIS IS THE MOST REMARKZABLE CASE THAT EVER HAS OCUCURRED INT THE ANNALS OF THE TERRITORY. IT IS REMARKABLE, BECAUSE ONE HUNDRED AND ODD MEN, WOMEN AND CHILDREN WERE KILLED. IT IS REMARKABLE BECAUSE IT IC HAS LAIDB THIW S LONG WITHOUT BEING INVESTIGATED. 19 LONG YEARS HAVE PASSED, GENTLEMEN, SINCE THIS THING HAS OCCURRED; AND FOR THE FIRST IN ALL THESE YEARS LONG YEARS, HAVE COME WITNESSES TO TESTIFY IN THIS CASE.</p> <p>GENTLEMEN OF THE JURY, ANOTHER THING REMARKABLE ABOUT IT, EVERY ONE OF THESE WITNESSES WHO HAVE BEEN BEFORE YOU HAVE TOLD YOU T THAT THEY HAVE NEVER SPOKEN OF THIS CASE, AND THAT THEY HAVE NEVER TOLD ANYONE UNTIL LATELY, UNTIL THE COMMENCEMENT OF THIS TRIAL, WHZAT THEY KNEW ABOUT IT.</p> <p>THEIR MOUTHES HAVE BEEN SEALED FOR 19 YEARS PAST. AND THEN, GENTLEMEN, ANOTHER THING THAT IS REMARKZABLE, IS THE FACT THAT THESE WITNESSES AVE TESTIFIED TO CONVERSATIONS T AT</p>	<p>POSITION OF OPENING THE CASE IN DOING SO I SHALL ATTEMPT TO DO SO AS BRIEFLY AS POSSIBLE PRESENT THE POINTS AS CLEARLY AS I KNOW HOW IN THE FIRST PLACE GENTLEMEN OF THE JURY YOU ARE CALLED UPON TO DETERMINE THE CASE. THIS IS THE MOST REMARKABLE CASE THAT EVER HAS OCCURRED IN THE ANNALS OF JURISPRUDENCE[?] [space] IT IS REMARKABLE BECAUSE 100 AND ODD MEN WOMEN AND CHILDREN WERE KILLED. IT IS REMARKABLE BECAUSE IT HAS LAID THIS LONG WITHOUT BEING <sup>[[24]]</sup> INVESTIGATED 19 LONG YEARS HAVE PASSED GENTLEMEN SINCE THIS THING HAS OCCURRED AND FOR THE FIRST IN ALL THESE LONG YEARS HAVE COME WITNESSES WHO TESTIFY IN THIS CASE OTHER THAN THOSE WHO WERE PROUD/PRT/PRD[?] INFORMANTS GENTLEMEN OF THE JURY ANOTHER THING REMARKABLE ABOUT IT EVERY ONE OF THESE WITNESSES WHO HAVE BEEN BEFORE YOU HAVE TOLD YOU THAT THEY HAVE NEVER SPOKEN OF THIS CASE THAT THEY HAVE NEVER TOLD ANYONE UNTIL LATELY UNTIL THE COMMENCEMENT OF THIS TRIAL WHAT THEY KNEW ABOUT IT OR WHAT THEY DID NOT KNOW ABOUT IT THEIR MOUTHS WERE HAVE BEEN SEALED FOR 19 YEARS AND PAST AND THEN GENTLEMEN ANOTHER THING THAT IS REMARKABLE IS THE FACT THAT THESE WITNESSES HAVE TESTIFIED TO CONVERSATION THAT</p>
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**BT**

**PS**

<p>OCCURRED 19 YEARS AGO<del>19</del> —19 YEARS AGO, GENTLEMEN!! WHO OF YOU, <del>GENTLEMEN</del> IN THAT <del>THAT</del> BOX <del>X</del>CAN REMEMBER ANY ONE CONVERSATION, EVEN TO GIVE THE SUBSTANCE OF IT, . THZAT OCCURRED THAT LENGHT OF TIME AGO. CAN ANY ONE OF YOU, GENTLEMEN, UPON A MOST IMPORTANT SUBJECT, UPON SOMETHING THAT CONSERNEG OYURSELVES MORE THAN ANYTHING ELSE, CAN OYOU, REMEMBER THE SUBSTANCE OF <del>THE</del> A CONVERSATION THAT OCCURRED SIX MONTHS AGO. <sup>[2]</sup> A GENTLEMEN IN HERE REFUSED TO TELL A CONVERSATION BECAUSE HE SAID IT WAS IMPOSSIBLE FOR HIM EVEN TO TELL <del>THE</del> SUBSTANCE WHAT HE RECO;L;LECTED ABOUT IT, OR THE SUBSTANCE OF IT. IT HAED BEEN TOO LONG— BY IT HE LOST HIS ESTATE. GENTLEMEN OF THE JURY, THERRE’S ANOTHER CASE THING THAT IS PECULIAR ZABOUT THIS CASE; EVERY ONE OF THESE WITNESSES, WITH THE EXCEPTION OF ONE, WERE PRESENT. EVERY <b>ONE</b> OF THESE WITNESSES WITH THE EXCEPTION OF THAT ONE HAS REFUSED,—HAS REFUSED TO TELL THE WHO;LE TRUTH— SAID THEY DIDN’T REMEMBER EVERYTHING, AND SOME OF THEM DECLINED TO ANSWER. GENTLEMEN THIS IS A REMARKABLE THING. I MUST TELL YOU, GENTLEMEN, WHENEVER IT COMES DOWN TO A THING OF THZAT CHARAÆCTER, WHENEVER O YOU FIND A WITNESS THATB TELLS YOU PART OAND HAS</p>	<p>OCCURRED 19 YEARS AGO 19 YEARS AGO GENTLEMEN WHO OF YOU <del>UPON THAT</del> IN THAT BOX CAN REMEMBER ANY ONE CONVERSATION EVEN TO GIVE THE SUBSTANCE OF IT THAT OCCURRED THAT LENGTH OF TIME AGO CAN ANY ONE OF YOU GENTLEMEN UPON A MOST IMPORTANT SUBJECT UPON SOMETHING THAT CONCERNED YOURSELVES MORE THAN ANYTHING ELSE CAN YOU REMEMBER THE SUBSTANCE OF A CONVERSATION [<i>space</i>] I RECALL OF ABOUT 6 MONTHS AGO A GENTLEMEN IN HERE <i>WHO</i>[?] REFUSED TO TELL A CONVERSATION BECAUSE HE SAID IT WAS IMPOSSIBLE FOR HIM EVEN TO TELL WHAT HE RECOLLECTED OF IT OR THE SUBSTANCE OF IT IT HAD BEEN TOO LONG BY IT HE LOST HIS ESTATE [<i>space</i>] GENTLEMEN OF THE JURY THERE IS ANOTHER THING THAT IS PECULIAR ABOUT THIS CASE [<i>space</i>] EVERY ONE OF THESE WITNESSES WITH THE EXCEPTION OF ONE WERE PRESENT EVERY ONE OF THESE WITNESSES WITH THE EXCEPTION OF THAT ONE HAS REFUSED TO TELL THE WHOLE TRUTH SAID THEY DIDN’T TELL EVERYTHING AND SOME OF THEM DECLINED TO ANSWER GENTLEMEN THIS IS A REMARKABLE THING I WILL TELL YOU GENTLEMEN OF THE JURY WHENEVER IT COMES DOWN TO A THING OF THAT CHARACTER WHENEVER YOU FIND A WITNESS THAT TELLS YOU HE HAS</p>
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**BT**

**PS**

NOT TOLD YOU THE WHOLE TRUTH,—AND DECLINES TO TELL YOU THE BALANCE,—IT LOOKS SUSPICIOUS, AND ~~TR~~THERE IS DOUBT UPON HIS TESTIMONY.

~~IF~~ IF A MAN TELLS YOU THAT THAT ~~N~~HE HAS A HORSE OF A CERTAIN CHARACTER, BUT REFUSED TO TELL YOU ALL OF THE DEFECTS OF THAT HORSE, WHY, A JUDGMNET COULD BE OBTAINED AGAINST HIM FOR SWINDELING OR MISREPRESENTING. ~~NYET~~, GENTLEMEN OF THE JURY, WE FIND THAT IN EVERY INSTANCE, WITH THE EXCEPTIN OF HAMBLIN. I TELL YOU THAT MY EXPERIENCE OF THE LAZAW LAYS IT DOWN AS A ~~FACT~~ PROPOSITION THAT WHERE A MAN UNDE~~F~~TAKES TO TELL WHAT OCCURRED, IT IS THE WEAKEST KIND OF ~~TE~~WSTIMONY UNLESS IT IS PERFECTLY NARRATED AND SUBSTANTIATED. THEN IT MAY BECOME STRONG. A RULE LAID DOWN IN GREENLEAF, SECTION ~~Q00-200~~, GOE~~WS~~ ~~6~~TO THIS EFFECT: THAT WHERE VERBAL TESTIMONY IS GIVEN OF ANY

CONVERSATION ~~T~~THAT THAT OCCURRED, A JURY MUST TAKE IT WITH THE GREATEST OF CAUTION UNLESS THEY ARE PERFECTLY SATISFIED

~~B~~BEYOND ANY DOUBT THAT ~~B~~THE

NOT TOLD YOU THE WHOLE TRUTH AND DECLINES TO TELL YOU THE BALANCE IT LOOKS <sup>[[25]]</sup> SUSPICIOUS AND THROWS

DOUBT UPON HIS TESTIMONY SUPPOSE IT WAS IN THE MOST TERRIBLE TRANSACTION ANY COULD *REFER*[?] IF A MAN TELLS YOU THAT THAT HE HAS A HORSE OF A CERTAIN CHARACTER BUT REFUSES TO TELL YOU ALL OF THE DEFECTS OF THAT HORSE WHY A JUDGMENT COULD BE OBTAINED AGAINST HIM FOR SWINDLING OR MISREPRESENTING YET GENTLEMEN OF THE JURY WE FIND THAT IN EVERY WITNESS WITH THE EXCEPTION OF HAMBLIN. I TELL YOU GENTLEMEN THAT MY EXPERIENCE OF THE LAW LAYS IT DOWN AS A PROPOSITION THAT WHERE A MAN UNDERTAKES TO TELL WHAT OCCURRED IT IS THE WEAKEST KIND OF TESTIMONY UNLESS IT IS RECENTLY RELATED PERFECTLY NARRATED AND SUBSTANTIATED THEN IT MAY BECOME STRONG A RULE LAID DOWN IN GREENLEAF IN SECTION 200 GOES TO THIS EFFECT THAT WHERE VERBAL TESTIMONY IS GIVEN ABOUT ANY

~~TRANSACTION THAT OCCURRED~~ CONVERSATION THAT OCCURRED A JURY MUST TAKE IT WITH THE GREATEST OF CAUTION UNLESS THEY ARE PERFECTLY SATISFIED THAT THE WITNESS HAD NO INTEREST IN ENRICHING THESE FACTS AND UNLESS JURY IS<sup>735</sup> SATISFIED BEYOND ANY DOUBT ~~IF~~ ~~THEY DOUBT~~ THAT THE

735. Word in the left margin.

**BT**

**PS**

<p>CONVERSATION WAS PERFECTLY NARRATED AND THE WHOLE TRUTH TOLD. THEN, WHAT BECOMES OF THE TESTIMONY OF MANY OF THESE WITNESSES? WHAT BECOMES OF THE TESTIMONY OF MORRILL, OF HASLAM, OF WHITE AND PARTICULARLY HAMBLIN? NOW, GENTLEMEN OF THE JURY, I DON'T WISH, NOR DO I DESIRE TO SAY THAT THESE WITNESSES WOULD WILLINGLY TELL THEM COME BEFORE YOU AND TESTIFY TO A THING THAT THEY DIDN'T BELIEVE, NOR, A THING THAT THEY DIDN'T IMPRESS UPON THEIR MINDS; BUT THE LENGTH OF TIME BETWEEN THE COLLATION OR STATEMENT, AND THE COLLATION IN COURT, MAY HAVE MADE THEM FORGET MANY OF THE MOST IMPORTANT FACTS THAT WERE COLLATED TO THEM. IN THIS I REFER PARTICULARLY TO HAMBLIN, AND OTHERS, GENTLEMEN OF THE JURY, THAT WERE PRESENT— THAT WERE THERE—WERE THEY THAT WERE THERE SHOWN THAT THEY REFUSED TO TELL THE TRUTH WHO WAS PRESENT WITH THEM? THEY REFUSED TO TELL EVERYTHING THAT THEY REALLY HEARD OR SAW, EXCEPT THE FACT THAT JOHN D. LEE WAS THERE AND THAT HE TOOK CERTAIN PARTS. NOW, AFTER THESE OPENING REMARKS I WILL TURN TO THE DOCUMENTARY EVIDENCE WHICH HAS BEEN INTRODUCED. IN THE FIRST PLACE I WILL READ</p>	<p>CONVERSATION WAS PERFECTLY NARRATED AND THE WHOLE TRUTH TOLD [space] THEN CONNECTED WITH[?] THIS TESTIMONY WHAT BECOMES OF THE TESTIMONY OF MANY OF THESE WITNESSES WHAT BECOMES OF THE TESTIMONY OF MORRILL OF HASLAM OF WHITE AND PARTICULARLY OF HAMBLIN NOW GENTLEMEN I DON'T WISH NOR DO I DESIRE TO SAY THAT THESE GENTLEMEN WOULD WILLFULLY COME BEFORE YOU AND TESTIFY TO A THING THAT THEY DON'T BELIEVE. NOR A THING THAT THEY HADN'T IMPRESSED UPON THEIR MIND BUT THE LENGTH OF TIME THAT THIS IS BETWEEN THE NARRATION OF STATEMENT AND THE NARRATION IN COURT MAY HAVE MADE THEM FORGET MANY OF THE MOST IMPORTANT FACTS THAT WERE NARRATED TO THEM IN THIS I REFER PARTICULARLY TO HAMBLIN. THE OTHERS GENTLEMEN OF THE JURY WERE PRESENT THEY WERE THERE WITH THEM THEY WERE THERE GENTLEMEN/SHOWN[?] THAT THEY <sup>[[26]]</sup> THEY REFUSED TO TELL WHO WAS PRESENT WITH THEM. THEY REFUSED TO TELL EVERYTHING THAT REALLY IMPORTANT EXCEPT THE FACTS THAT JOHN D. LEE WAS THERE AND THAT HE TOOK CERTAIN PARTS [space] NOW, <del>IN THESE</del> AFTER THESE OPENING REMARKS I WILL RETURN TO THE DOCUMENTARY EVIDENCE WHICH HAS BEEN INTRODUCED. IN THE FIRST PLACE I WILL READ</p>
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**BT**

**PS**

YOU<sup>2</sup> THAT

LETTER FROM SALT LAKE CITY, SEPTEMBER 14TH, TO COLONEL WILLIAM H, DAME FROM BRIGHAM YOUNG AND ~~AND~~ DANIEL H. WELLS. GREAT SALE LAKE CITY, SEPT. 14TH, 1857. COL. WILLIAM H. DAME, PAROWAN, IRON COUNTY:

HEREWITH

~~YOU~~ ~~YOU~~ WILL RECEIVE THE GOVERNORS PROCLAMATION DECLARING MARTIAL LAW. YOU WILL PROBABLY NOT BE CALLED ON THIS FALL, BUT ARE REQUESTED TO CONTINUE TO MAKE READY FOR A BIG FIGHT ANOTHER Y<sup>E</sup>EAR. THE PLAN OF OPPERATION IS SUPPOSED TO BE ABOUT THIS: IN CASE THE UNITED STZATES GOVERNMENT SHOULD SEND OUT AN OVERPOWERING FORCE, WE INTEND TO DESOLSTE THE TERRITORY, AND CONSEAL OUR FAMILIES, STOCK AND ALL OF OUR EFFECTS IN THE FASTNESS OF THE MOUNTAINS WHERE THEY WILL BE SAFE, WHILE THE MEN WAYLAY OUT ENEMIES, ATTACK THEM FROM AMBUSH, STAMPEDE THEIR ANIMALS, <sup>[4]</sup> TAKE THE SUPPLY TRAINS, CUT OFF DETACHMENTS AND PARTIES SENT OUT TO THE CANYONS FOR WOOD, OR ON OTHER SERVICE. TO LAY WASTE EVERYTHING THAT WILL BURN— HOUSES ~~FIELDS~~, FENCES, TREEAS, FIELDS AND GRASS, SO THAT THEY CZANNOT FIND A PARTICLE OF ANYTHING THAT WILL BE OF USE TO THEM, NOT EVEN STICKS TO MAKE A FIRE TO COOK THEIR SUPPLIES. TO WAIST AWAY OUR ENEMIES AND LOOSE NOENE; THAT

*YOU FL/FILE/FULLY[?] AS SEEN[?] UNDER/GOVERNOR[?] CONTENT OF LETTER. FROM SALT LAKE CITY SEPTEMBER 14 TO COLONEL WILLIAM H DAME FROM ~ HEREWITH [space]*

*GREAT SALT LAKE CITY SEPT. 14, 1857 COL. WILLIAM H DAME PAROWAN IRON COUNTY [space] HEREWITH*

*YOU WILL RECEIVE THE GOVERNORS PROCLAMATION DECLARING MARTIAL LAW YOU WILL PROBABLY. [space]*

*ENEMIES” [space]*

**BT**

**PS**

WILL BE OUR MODE OF WARFARE. THUS YOU SEE THE NECESSITY OF PREPARING, FIRST;—SECURE PLACES IN THE MOUNTAINS WHERE THEY CANNOT FIND US, AND THEN PREPARE FOR OUR FAMILIES, BUILDING SOME CABBINS, CACHING FLOUR AND GRAIN. FLOUR SHOULD BE GROUND IN THE LATTER PART OF THE WINTER, OR EARLY IN THE SPRING TO KEEP. SOW GRAIN IN YOUR FIELDS AS EARLY AS POSSIBLE THIS FALL, SO THE HARVEST OF ANOTHER YEAR MAY COME OFF BEFORE THEY HAVE TIME TO GET HERE. CONCILIATE THE INDIANS AND MAKE THEM ~~ØY~~OUR FAST ~~FAST~~ FRIENDS. IN REGARD TO LETTING THE PEOPLE PASS AND REPASS, OR TRAVEL TFROUGH THE TERRITORY, THIS APPLIES TO ALL STRANGERS AND SUSPECTED ~~PARTIES~~ PERSONS. YOURSELF AND BROTHER ISAAAC C. HAIGHT, IN ~~ØU~~ YOUR DISTRICT, ARE AUTHORIZED TO GIVE SUCH PERMITS. EXAMINE ALL SUCH PERSONS BEFORE GIVING TO THEM PERMITS TO PASS. KEEP THINGS PERFECTLY QUIET, AND LET ALL THINGS BE DONE **PEACEFULLY** ~~PERFACECTLY~~, BUT WITH FIRMNESS, AND LET THERE BE NO EXCITEMENT. LET THE PEOPLE BE UNITED IN THEIR FEELINGS AND FAITH, AS WELL AS WORKS, AND KEEP ALIVE THE SPIRIT ~~ØF~~ THE REFERMATION. AND WHAT WE SAID IN REGARD TO ~~THE REFER~~-SAVING THE GRAIN AND PROVISIO~~NS~~ WE SAY AGAIN, LET THERE BE NO WASTE. SAVE LIFE ALWAYS WHEN IT IS POSSIBLE. WE DO NOT WISH TO SHED A DROP OF BLOOD IF IT CAN

**BT**

**PS**

BE AVOIDESD. THIS COURSE WILL GIVE US GREAT INFLUENCE ABROAD. BRIGHAM YOUNG. DANIEL H. WELLS. <sup>[5]</sup> NOW, MARK YOU , GENTLEMEN, YOU ARE REQUIRED TO ~~MAK~~ CONTINUE TO MAKE READY FOR A BIG> FIGHT. THEN, NGENTLEMEN, WHAT MUST WE CONCLUDE FROM THAT, THAT THEY HAD BEEN REQUIRED TO MAKE READY FOR A BIG FIGHT, EEEVEN BEFORE THE 14TH DAY OF SEPTEMBER, 1887. THEN WHAT COMES NEXT; THAT THEY SHALL PUT AWAY THE NECESSARY PROVISIONS AND ~~CONSULT~~ **CONSEAL** THEM AND THEIR FAMILIES AND STOCK AND ALL OF THEIR EFDFFECTS IN THE FASTNESS OF THE MOUNTAINS; WHILE THE MEN WAYLAY OUR ENEMIES. NOW, GENTLEMEN OF THE JURY, IT - IS PLAINLY SHOWN HERE THAT JOHN D. LEE WAS AN OFFICER ~~OF~~ IN THE MILITARY; THAT HE WAS A MAJOR IN THIS MILITARY ARRANGEMENT; **& THIS LETTER WAS FOR THEM TO BE USEÐ** HERE IS A PART OF THEIR INSTRUCTIONS, HERE IS A PART OF THE PALAN OF DEFENSE, IN MILIA6TARY LANGUAGE.

I AM NOT ASKIÑG THIS TO ~~THROUGH~~ **THROW** THE BLAME UPON ANY ~~MILLITARY~~ ASSOCIATION— UPON ANY RELIGIOUS ASSOCIATION OR ANY **RELIGIOUS MILITARY** ASSOCIATION. I AM SIMPLY DOING IT-, AND INTEND TO FOLLOW IT UP BY SHOWING TO ~~OYU~~ **YOU** BY

NOW MARK YOU, GENTLEMEN YOU ARE REQUIRED TO CONTINUE TO MAKE READY FOR A BIG FIGHT THEN GENTLEMEN WHAT MUST WE CONCLUDE FROM THAT THAT THEY HAD BEEN REQUIRED AND TO PREPARE FOR A BIG FIGHT THAT THIS WAS DONE BEFORE THE 14<sup>TH</sup> DAY OF SEPTEMBER 1857. THEN WHAT COMES NEXT THAT THEY ~~SHALL CONCEAL~~ **PROVIDE FOR THE NECESSARY** PUT AWAY THE NECESSARY PROVISIONS TO CONCEAL THEM AND THEIR FAMILIES AND STOCK AND ALL OF *OURS/RS[?]* EFFECTS IN THE FASTNESS OF THE MOUNTAINS; WHILE THE MEN WAYLAY OUR ENEMIES. NOW GENTLEMEN OF THE JURY IT HAS BEEN SHOWN HERE THAT JOHN D. LEE WAS AN OFFICER IN THE MILITARY THAT HE WAS A MAJOR IN THIS MILITARY ARRANGEMENT IF THAT BE SO THEN HERE IS A PART OF THE INSTRUCTIONS HERE IS A PART OF THE PLAN OF DEFENSE ~ (IN MILITARY LANGUAGE AT THAT TIME ~) [*space*]

I AM NOT ARGUING THIS TO THROW THE BLAME UPON ANY ASSOCIATION UPON ANY RELIGIOUS ASSOCIATION <sup>[[27]]</sup> OR ANY OTHER MILITARY ASSOCIATION I AM SIMPLY DOING IT AND INTEND TO FOLLOW THIS UP BY SHOWING TO YOU BY

**BT**

**PS**

<p>THE FACT THAT AT THAT TIME THE TERRITORY WAS UNDER A PERFECT STATE OF EXCITEMENT , <b>THAT</b> WE MAY EXPECT THAT — IN FACT EVERYTHING SHOWN BY THESE LETTERS, EVERYTHING SHOWN SO FAR ON THE PART OF THE PROSECUTION, SHOWS THAT <del>AT THAT TIME</del> THIS PEOPLE AT THAT TIME LIVED IN A FEAR; AND THEN I WILL EXPLAIN WHAT MR. HAMBLIN TESTIFIED TO IN REFERENCE TO LEE. I DON'T WISH YOU TO UNDERSTAND ME FROM WHAT I MAY STATE THAT I AM MAKING ANY ATTACK ON ANY ONE. I AM SIMPLY TRYING TO SHOW, AND WILL SHOW BY THESE PAPERS THAT JOHN D. LEE AND OTHERS LABORED AT <del>THAT</del> THAT TIME UNDER AN EXTREME EXCITEMENT. I WILL READ THIS THROUGH.   READS  NOW, THIS IS A PART OF THE EVIDENCE AND I READ IT FOR THE SAME PURPOSE TO SHOW <b>THE</b> STATE OF EXCITEMENT THAT EXISTED. . NOW, THEN, GENTLEMEN OF THE JURY, THIS IS A PART OF THEIR TESTIMONY THEY PUT IN. NOW WE DISPUTE ALL THESE THINGS AS A MATTER OF COURSE. WE SAY THAT IN THIS MATTER, THAT JOHN D. LEE, ACCORDING TO THE TESTIMONY BEFORE YOU, IN THE FIRST PLACE, WAS <sup>736</sup> WAS SENT OUT TO WATCH THOSE PARTIES, SO THAT THERE MIGHT BE NO OUT-LYING SETTLEMENTS LEVIED UPON OR LAID WASTE. THIS IS THE TESTIMONY. THIS IS THE FACT OF THE MATTER, THAT HE WAS SENT</p>	<p>THE FACT THAT AT THAT TIME THE TERRITORY WAS UNDER A<sup>736</sup> PERFECT STATE OF EXCITEMENT [space] WE MAY EXPECT THAT IN FACT EVERYTHING SHOWN BY THESE LETTERS EVERYTHING SHOWN SO FAR ON THE PART OF THE PROSECUTION SHOWS THAT THIS PEOPLE AT THAT TIME LIVED IN FEAR AND THEN I WILL EXPLAIN WHAT MR. HAMBLIN TESTIFIED TO IN REFERENCE TO LEE. I DON'T WISH YOU TO UNDERSTAND I MAY STATE ESTABLISHED PRINCIPLE THAT I AM MAKING ANY ATTACK ON ANY ONE I AM SIMPLY TRYING TO SHOW AND WILL SHOW BY THESE PAPERS THAT JOHN D. LEE AND OTHERS LABORED AT THAT TIME UNDER AN EXTREME EXCITEMENT. I WILL READ THIS THROUGH.” [space] NOW THIS IS A PART OF THE EVIDENCE BUT I READ IT FOR THE SAME PURPOSE OF SHOWING STATE OF EXCITEMENT THAT EXISTED” [space] NOW THEN GENTLEMEN OF THE JURY THIS IS A PART OF THEIR TESTIMONY THEY PUT IN. NOW WE DISPUTE ALL THESE THINGS AS A MATTER OF COURSE. WE SAY THAT IN THIS MATTER THAT JOHN D. LEE ACCORDING TO THE TESTIMONY BEFORE YOU, IN THE FIRST PLACE WAS SENT OUT TO WATCH THOSE PARTIES SO THAT THERE MIGHT BE NO OUT-LYING SETTLEMENTS <del>UPON</del> UPON OR LAID WASTE. THIS IS THE TESTIMONY. THIS IS THE FACT OF THE MATTER, THAT HE WAS SENT</p>
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736. “UNDER A” was apparently added later.

**BT**

**PS**

OUT WITH THESE INDIANS FOR THAT PURPOSE. HAVIN~~FG~~ GONE OUT HE LOSES CONTROL OF THOSE IN~~ED~~DIANS, AND THAT CONTROL BEING GONE HE WAS ~~POUR~~**POWERLESS** AS A CHILD. WHAT BECOMES OF THE STATEMENT OF HAMBLIN UNDER THE LIGHT OF THAT EVIDENCE?

THERE IS ANOTHER LITTLE FACT, MY BROTHER HAS ALLUDED TO IT, AND I SHALL RIGHT HERE— IN REFERENCE TO IT, I SHALL RIGHT HERE REPLY TO IT AND THEN LEAVE IT FOREV4ER. THEY SAY THAT THERE WZAS NONE OF THOSE NORTHERN INDIANS THZAT WERE PRESENT AT THE MOUNTAIN MEADOW MASSACRE. I DONT CLAIM THERE WAS, I SHALL NEVER ARGUE THAT THERE WAS; BUT I DO ARGUE THIS , AND NO MAN THAT KNOWS THE CHARACTER OF THE INDIZAN AS I DO; AND MOST OF YOU GENTLEMEN, KNOW VERY WELL,— THAT **IF** OFFENCES **ARE** COMMITTED AGAINST ONE TRIBE

THE OTHER HAS A RIGHT TO REVENGE —**IT** THIS IS THE LAW ZAMONG THOSE SAVAGES. THEN AS QUICK AS THEY HEARD OF THIS;— AND, GENTLEMEN, WHILE THEY MAKE LIGHT OF IT, WHILE THEY MAY TELL YOU THAT JOHN D. LEE— THAT IT HAS BEEN PROVEN OTHER4WISE, OR RATHER THAT THIS LETTER HAS BEEN DISPROVED;—I TELL YOU IT IS THEIR TESTIMONY AND THEY ARE ~~ABOUT~~ **BOUND** BY IT, WHETHER WRITTEN OR VERBAL; ;

OUT WITH THOSE INDIANS FOR THAT PURPOSE. HAVING GONE OUT HE LOST CONTROL OF THOSE INDIANS AND THAT CONTROL BEING GONE HE WAS POWERLESS AS A CHILD. WHAT BECOMES OF THE STATEMENT OF HAMBLIN WHEN THEY CHARACTERIZE HIM LEE AS A CRY BABY THERE IS ANOTHER LITTLE FACT MY BROTHER HAS ALLUDED TO IT AND I SHALL RIGHT HERE <sup>[[28]]</sup> IN REFERENCE TO IT I SHALL RIGHT HERE REPLY TO IT AND THEN PASS IT FOREVER. THEY SAY THAT THERE WAS NONE OF THOSE NORTHERN INDIANS THAT WERE PRESENT AT THE MOUNTAIN MEADOW MASSACRE . I DON'T CLAIM THERE WAS I SHALL NEVER ARGUE THAT THERE WAS BUT I DO ARGUE THIS *TO/AND*[?] ANY MAN THAT KNOWS THE INDIAN CHARACTER AS WELL AS I DO AND MOST OF YOU GENTLEMEN KNOW VERY WELL THAT OFFENCES COMMITTED AGAINST ONE TRIBE UNLESS THEY ARE *PLJRND*/— [?] IS CONSIDERED COMMITTED AGAINST ANOTHER AND THE OTHER HAS A RIGHT TO REVENGE. THIS IS THE LAW AMONG THOSE SAVAGES. THEN AS QUICK AS THEY HEARD OF THIS POISONING AND GENTLEMEN WHILE THEY MAY MAKE LIGHT OF IT, WHILE THEY MAY TELL YOU THAT JOHN D. LEE = THAT IT HAS BEEN PROVED OTHERWISE OR RATHER THAT THIS LETTER HAS BEEN DISPROVED; I TELL YOU IT IS THEIR TESTIMONY AND THEY ARE BOUND BY IT WHETHER WRITTEN OR WHETHER VERBAL



**BT**

**PS**

THEY ARE BOUND BY THAT TESTIMONY . IT IS THEIR OWN AND LET THEM GET AROUND IT. . THEN, ASSUMING THAT I AM CORRECT IN THAT, WHAT DOES LEE SAY? MARK YOU, GENTLEMEN OF THE JURY, EVERY WORD IN THAT LETTER IS TAKEN TO BE TRUE, I DONE CARE IF FORTY THOUSAND WITNESSES COME HERE FOR THE PURPOSE OF TESTIFYING AGAINST IT. IT IS LIKE AN ANSWER IN CHANCERY ~~THAT A PARTY~~ THAT A PARTY CAN'T DEROGATE. DEROGATE IT IF THEY WILL, IT IS THEIRS; IT IS TRUE, AND GET AROUND AS BEST YOU CAN. NOW, THEN, WHAT DOES IT SAY: THE COMPANY THERE POISONED THE MEAT OF AN OX, WHICH THEY GAVE ~~OF TO~~ TO THE PAH VANT INDIANS TO EAT, CAUSING FOUR OF THEM <sup>[7]</sup> TO DIE. THAT STANDS BEFOER YOU GENTLEMEN AS IF NOTHING—NOT A WORD WAS AGAINST IT. IT MUST BE TAKEN BY YOU AS TRUE, AS HE WROTE IT ; AND NOTHING IN IT IS TO BE EXCEPTED NOT ONE SENTENCE IS TO BE EXCEPTED ABOUT THE HOSTILITY OF THOSE INDIANS. THEN, WHEN WE TAKE INTO CONSIDERATION THE OTHER FACT THAT JOHN D, LEE WAS SENT OUT FOR THE PURPOSE OF WATCHING THOSE EMIGRANTS, AND AS TESTIFIED TO BY HAMBLIN, WHO SAID THAT HE WENT FOR THE PURPOSE OF WATCHING, SO THAT THEY COULD NOT ~~MAKE~~ COMMIT DEPREDATIONS. - THERE IS ANOTHER FACT , **AN ADMISSION**

THEY ARE BOUND BY THAT TESTIMONY. IT IS THEIR OWN AND LET THEM GET AROUND IT. THEN ASSUMING THAT I CORRECT IN THAT WHAT DOES LEE SAY MARK YOU GENTLEMEN OF THE JURY EVERY WORD IN THAT LETTER IS TAKEN TO BE TRUE I DON'T CARE IF 40 THOUSAND WITNESSES COME HERE FOR THE PURPOSE OF TESTIFYING AGAINST IT IT IS LIKE AN ANSWER IN CHANCERY THAT A PARTY CAN'T DEROGATE [*space*] DEROGATE IT IF THEY WILL IT IS THEIRS AND IT IS TRUE AND GET AROUND IT AS BEST YOU CAN. NOW THEN WHAT DOES IT SAY “ [*space*] THE COMPANY THERE POISONED THE MEAT OF AN OX WHICH THEY GAVE TO THE PAH VANT TO EAT CAUSING 4 OF THEM TO DIE” THAT GENTLEMEN OF THE JURY STANDS BEFORE YOU AS IF NOTHING NOT A WORD WAS AGAINST IT. IT MUST BE TAKEN BY YOU AS TRUE AS HE WROTE AND NOTHING IS AN EXCEPTION *JUST*[?] THAT ONE SENTENCE IS EXPLANATION OF THE HOSTILITY <sup>[[29]]</sup> OF THOSE INDIANS THEN WHEN WE TAKE INTO CONSIDERATION THE OTHER FACT THAT JOHN D. LEE WAS SENT OUT FOR THE PURPOSE OF WATCHING THOSE EMIGRANTS AND AS TESTIFIED TO BY HAMBLIN WHO SAID THAT HE WENT FOR THE PURPOSE OF WATCHING THEM SO THAT THEY MIGHT NOT COMMIT DEPREDATIONS. THERE IS ANOTHER FACT AND ADMISSION

**BT**

**PS**

THAT MUST BE TAKEN BY YOU AS TRUE, AS HE WROTE. NOW, GENTLEMEN OF THE JURY, TAKING THESE TWO THINGS TOGETHER, USING THEM TOGETHER, YOU SEE THIS FACT AND ITS EXPLANATION; AND HOWEVER MUCH MAY BE SAID THAT JOHN D. LEE WENT OUT OF HIS OWN ACCORD, THERE IS NOT ~~ONE WORD ONE WORD ONE~~ ONE SCINTILLA OF EVIDENCE THAT HE EITHER GATHERED THE INDIANS TOGETHER TO GO OUT THERE, OR THAT HE WENT OF HIS OWN VOLITION. THEN GENTLEMEN, HE WENT THERE ON AN ERRAND OF MERCY; HE WENT THERE FOR THE PURPOSE OF PROTECTING THE SETTLEMENTS;

HE WENT THERE FOR NO OTHER PURPOSE BUT TO PROTECT THOSE SETTLEMENTS. NOW IF THAT BE TRUE, THIS STATEMENT THAT JOHN D. LEE LED THE CHARGE THAT JOHN D. LEE MADE UPON THE EMIGRANTS, IT MUST BE ALSO A FACT THAT HE LED IT UNDER COMPULSION. NOW, GENTLEMEN OF THE JURY, WE CAN'T COME TO ANY OTHER CONCLUSION FROM THEIR OWN TESTIMONY. IF HE MADE THAT CHARGE UNDER COMPULSION FROM THE INDIANS, FEARING HIS OWN LIFE, HE IS NO MORE TO ~~BLAME~~ RESPONSIBLE FOR IT THAN I AM TODAY. THEREFORE THE FIRST ATTACK UPON THESE **EMIGRANTS** FALLS TO THE GROUND. NOW, POISONING SPRINGS—THERE WAS A WORD **OR TWO** SAID ABOUT THEM. WHY, GENTLEMEN OF THE JURY, I TELL YOU AS A FACT, THAT

THAT MUST BE TAKEN BY YOU AS TRUE AS HE WROTE. NOW GENTLEMEN OF THE JURY TAKING THESE TWO THINGS TOGETHER USING THEM TOGETHER YOU SEE THIS FACT AND ITS EXPLANATION AND HOWEVER MUCH MAY BE SAID THAT JOHN D. LEE WENT OUT OF HIS OWN ACCORD THERE IS NOT ONE SCINTILLA OF EVIDENCE TO SHOW THAT HE EITHER GATHERED THE INDIANS TOGETHER TO GO OUT THERE OR THAT HE WENT OF HIS OWN VOLITION. THEN GENTLEMEN OF THE JURY HE WENT THERE ON AN ERRAND OF MERCY HE WENT THERE FOR THE PURPOSE OF PROTECTING THE SETTLEMENTS HE DID NOT GO FOR THE PURPOSE OF MURDERING HE WENT THERE FOR ANOTHER PURPOSE TO PROTECT THOSE SETTLEMENTS NOW IF THAT BE TRUE THIS STATEMENT THAT JOHN D. LEE LED THE CHARGE THAT WAS MADE UPON THE EMIGRANTS IT MUST BE ALSO A FACT THAT HE LED IT UNDER COMPULSION. NOW GENTLEMEN OF THE JURY WE CAN COME TO NO OTHER CONCLUSION FROM THEIR OWN TESTIMONY. IF HE MADE THAT CHARGE UNDER COMPULSION FROM THE INDIANS, FEARING HIS OWN LIFE, HE IS NO MORE RESPONSIBLE FOR IT THAN I AM TODAY. THEREFORE THE FIRST ATTACK UPON THESE EMIGRANTS FALLS TO THE GROUND. NOW POISONING SPRINGS THERE WAS A WORD OR TWO SAID ABOUT THAT. WHY GENTLEMEN OF THE JURY I TELL YOU AS A FACT

**BT**

**PS**

IN OUR SECTION OF THE COUNTRY

AND IT WILL POISON EVERY ANIMAL THAT DRINKS OF IT FOR THE NEXT TWO OR THREE MEALS. I TELL YOU, GENTLEMEN OF THE JURY, IT IS <sup>[8]</sup> IT IS NOT TO BE GOTTEN OVER. THAT IS A FACT AND IT CAN BE DONE. IT HAS BEEN DONE—WE HAVE THE LETTER TO SHOW. THIS MAY BE ALL FALSE THAT IT WAS DONE; MAY BE ALL FALSE THAT IT WAS ATTEMPTED TO BE DONE; BUT THAT JOHN D. LEE BELIEVED IT, AND THAT THESE INDIANS BELIEVED IT, I HAVE NO MORE HESITATION IN SAYING THAN I HAVE IN SAYING THAT I AM BEFORE YOU TO DAY. THEN LET US SUM THEM UP. HERE IS TESTIMONY THAT THESE MEN PASSED THROUGH HERE WHO INCENSED THE CITIZENS, AND INCENSED THE INDIANS. ANOTHER THING TO BE LOOKED AT IN THE TESTIMONY OF MORRILL—~~MR. MORRILL~~ TESTIFIES THAT THEY HAD THREATENED THE SETTLERS WITH AN ARMY—THAT AN ARMY WAS COMING IN AT THE NORTH AND ONE ON THE SOUTH. SELF PROTECTION WOULD OF NECESSITY OBLIGE THEM TO WATCH THESE EMIGRANTS. NOW, GENTLEMEN OF THE JURY. IF THEY WATCHED THESE EMIGRANTS, AND DONE IT IN A MANNER STATED BY LEE TO HAMBLIN, THERE WAS

IN OUR SECTION OF THE COUNTRY

A CRUSTY MATERIAL THAT LIES UPON THE STREAM IF IT IS *BR/BG[?]* [*space*] LET THAT CRUSTY MATERIAL *DUMPED[?]* IT IS *BROUGHT/POURED[?]* INTO THAT STREAM FOR ONE MONTH AND IT WILL POISON EVERY ANIMAL THAT DRINKS OUT OF IT FOR THE NEXT 32 OR 3 MILES I TELL YOU <sup>[30]</sup> GENTLEMEN IT IS NOT TO BE GOTTEN OVER [*space*] THAT IS A FACT AND IT CAN BE DONE WHETHER IT HAS BEEN DONE WE HAVE ONLY THIS LETTER TO SHOW. THIS MAY BE ALL FALSE THAT THIS WAS DONE MAY BE ALL FALSE THAT THIS WAS ATTEMPTED TO BE DONE BUT THAT JOHN D. LEE BELIEVED IT AND THAT THESE INDIANS BELIEVED I HAVE NO MORE HESITATION IN SAYING THAN I HAVE IN SAYING THAN I HAVE IN SAYING THAT I AM BEFORE YOU TODAY THEN LET US SUM THAT UP. HERE IS TESTIMONY THAT THOSE MEN PASSING THROUGH HERE DID THOSE DEEDS DID INCENSE THE CITIZENS AND DID INCENSE THE INDIANS [*space*] ANOTHER THING THEY LOOKED AT IN THE TESTIMONY OF MORRILL MR. MORRILL THAT THEY HAD THREATENED THE SETTLERS THAT AN ARMY WAS COMING IN ON THE NORTH AND ONE ON THE SOUTH SELF PROTECTION WOULD OF NECESSITY OBLIGE THEM TO WATCH THOSE EMIGRANTS. NOW GENTLEMEN OF THE JURY IF THEY WATCHED THESE EMIGRANTS AND DONE IT IN THE MANNER STATED BY LEE TO HAMBLIN THERE WAS

**BT**

**PS**

NO HARM IN IT. THAT WOULD HAVE BEEN JUST; THAT WOULD HAVE BEEN RIGHT; THAT WOULD HAVE BEEN SELF PROTECTION; BUT IT WILL BE ARGUED ON THE OTHER SIDE THZAT ~~TE~~ THERE WAS NO NECESSITY OF ~~TAKING~~ KILLING THEM. I I HAVE NOT ANYTHING TO SZAY ON THAT POINT. HOWEVER THAT MAY BE, JOHN D. LEE APPEARS TO BE THE ONLY ONE THAT WAS PRESENT, AND THAT RAISED A HAND.. OUT OF THE NUMBER OF WITNESSES HERE BEFORE YOU, NOT ONE OF THEM COULD TELL YOU WHO WAS THERE EXCEPT JOHN D. LEE AND TWO OR THREE OTHERS THAT WERE DEAD, AND KLINGENSMITH, OR SOME OTHER PERSON THAT HAD RUN OUT OF THE WAY—OUT OF THE COUNTRY. THERE APPEARS TO HAVE BEEN AN INTENTION ORN THE PART OF THOSRE WITNESSEES TO DISCLOSE NOTHING MORE THAN WAS ABSOLUTLY NECESSARY TO CONVICT JOHN D. LEE AND AT THAE SAME TIME GIVE NO CLUE TO ANYOTHER PERSON. GENTLEMEN, I AM JUSTIFIED IN SAYING THIS. I AM JUSTIFIED BECAUSE EVERY ONE OF THOSE WITNESSES **WHO** WERE UPON THE STAND REFUSED TO DISCLOSE ANY NAMES OF THE MEN THAT ARE STILL LIVING, AND THAT MAY BE REACHED BY THEX LAW.. MR,KNIGHT REFUSEED TO <sup>[9]</sup> GIVE US THE NAME OF THE MAN THAT WAS WITH HIM AT THE TIME THAT HE MET HIM, AS HE WAS COMING UP FROM THE CLARA. THIS IS A FACT, HE REFUSED TO TELL US THE NZAMES OF ANY PRESENT, OR RATHER HE DIDND, T REMEMBER,

NO HARM IN IT THAT WOULD HAVE BEEN JUST THAT WOULD HAVE BEEN RIGHT THAT WOULD HAVE BEEN SELF PROTECTION BUT IT WILL BE ARGUED ON THE OTHER SIDE THAT THERE WAS NO NECESSITY OF KILLING THEM [*space*] I HAVE NOT ANYTHING TO SAY ON THAT POINT. HOWEVER THAT MAY BE JOHN D. LEE APPEARS TO BE THE ONLY ONE THAT WAS PRESENT *OR/AND*[?] THAT RAISED A HAND OUT OF THE NUMBER OF WITNESSES HERE BEFORE YOU NO ONE OF THEM COULD TELL YOU WHO WAS THERE EXCEPT JOHN D. LEE AND 2 OR 3 OTHERS THAT WAS DEAD AND KLINGEN SMITH AND SOME OTHER PERSON THAT HAD RUN AWAY AND LEFT COUNTRY. THERE APPEARS TO HAVE BEEN AN INTENTION ON THE PART OF THOSE WITNESSES TO DISCLOSE NOTHING MORE THAN WAS ABSOLUTELY NECESSARY TO CONVICT JOHN D. LEE AND AT THE SAME TIME GIVE NO CLUE TO ANY OTHER PERSON. GENTLEMEN, I AM JUSTIFIED IN SAYING THIS; I AM JUSTIFIED BECAUSE EVERY ONE OF THOSE <sup>[31]</sup> WITNESSES WERE UPON THE STAND REFUSED TO DISCLOSE ANY NAMES OF THE MEN THAT ARE STILL LIVING AND MAY BE REACHED BY THE LAW. MR. KNIGHT REFUSED TO GIVE US THE NAME OF THE MAN THAT WAS WITH HIM AT THE TIME THAT HE MET LEE AS HE WAS COMING UP FROM THE CLARA. THIS IS A FACT. HE REFUSED TO TELL US THE NAMES OF ANY PERSON *ELSE*[?] OR RATHER HE DIDN'T REMEMBER

**BT**

**PS**

THEM, EQUAL TO A REFUSAL. HE KNEW NOTHING, HE WAS HOLDING HIS TEAM ALL THE TIME. THEY NEVER ANY OF THEM KNEW ANYTHING ABOUT ANY OTHER PERSON BEING THERE EXCEPT JOHN D. LEE, AND THOSE WHO ADMITTED THEY WERE THERE. THEN, GENTLEMEN OF THE JURY, I AM FORCED TO THE CONCLUSION THAT THIS IS A CONSPIRACY ~~BETWEEN~~ AMONG THESE WITNESSES TO CLEAR THEMSELVES AND THEIR FRIENDS AND TO SACRIFICE JOHN D. LEE TO THE LAW. THAT CONCLUSION FORCES ITSELF UPON ME MY MIND, HOWEVER RELUCTANTLY IT MAY BE. SOME OF THOSE WITNESSES I KNOW— KNOW BY REPUTATION— BUT HOWEVER MUCH I MAY KNOW THEM, HOWEVER MUCH I MAY HAVE HEARD OF THEM, THIS CONCLUSION IS FORCED UPON MY MIND, AND NOTHING CAN ERADICATE IT. WHY, GENTLEMEN OF THE JURY, IF ONE OF YOU HAD BEEN THERE AND OVER 50 OR 70 OF THOSE MEN, YOUR NEIGHBORS, AND THOSE ABOUT YOU, YOU WOULD HAVE SEEN **MORE** OF IT. YOU WOULD HAVE SEEN MORE OF THEM; YOU WOULD HAVE TOLD OTHER NAMES; YOU WOULD HAVE EXPOSED THOSE NEAR HIM.

THEN THERE APPEARS TO BE A CONSPIRACY IN THIS CASE, AND THAT CONSPIRACY WHICH SAYS THE TRUTH HAS NOT BEEN TOLD; BUT THERE HAS BEEN ATTEMPTED TO MAKE JOHN D. LEE A

THEM EQUAL TO A REFUSAL. HE KNEW NOTHING HE WAS HOLDING HIS TEAM ALL THE TIME THEY NEVER ANY OF THEM KNEW ANYTHING ABOUT ANY OTHER PERSON BEING THERE EXCEPT JOHN D LEE AND THOSE WHO ADMITTED THEY WERE PRESENT. THEN, GENTLEMEN OF THE JURY, I AM FORCED TO THE CONCLUSION THAT THIS IS A CONSPIRACY BETWEEN THOSE WITNESSES TO CLEAR THEMSELVES AND THEIR ASSOCIATES TO SACRIFICE JOHN D. LEE TO THE LAW. THAT CONCLUSION FORCES ITSELF UPON MY MIND HOWEVER RELUCTANTLY IT MAY BE SOME OF THOSE WITNESSES I KNOW [space] KNOW BY REPUTATION BUT HOWEVER MUCH I MAY KNOW THEM, HOWEVER MUCH I MAY HAVE HEARD OF THEM THIS CONCLUSION IS FORCED UPON MY MIND AND NOTHING CAN ERADICATE IT. WHY GENTLEMEN IF ONE OF YOU HAD BEEN THERE AND OVER 50 TO 70 OF THOSE MEN YOUR NEIGHBORS AND THOSE ABOUT YOU YOU WOULD HAVE SEEN MORE OF IT YOU WOULD HAVE SEEN MORE OF THEM YOU WOULD HAVE TOLD THEIR NAMES YOU WOULD HAVE EXPOSED THOSE NEAR HIM [space]

THIS CRUEL MURDER —/SHOULD HAVE BEEN DONE[?] THEN THERE APPEARS TO BE A CONSPIRACY IN THIS CASE AND IT THAT CONSPIRACY AND EACH SAYS THAT THE TRUTH HAS NOT BEEN TOLD BUT THERE HAS BEEN ATTEMPT TO MAKE JOHN D. LEE A

**BT**

**PS**

SCAPE GOAT. IN OTHER WORDS HE WAS TO BE SAFRIFICE~~D~~ TO LET THE BALANCE FREE. NOW, GENTLEMEN OF THE JURY, IN MAKI~~NG~~ THESE RE~~L~~MARKS I HAVE NOT YET COME TO CRITICISE THEIR TESTIMONY; FOR I SHALL SHOW YOU BEFORE I GERT THROUGH THAT THERE IS NOT ONE OF THOSE WITNESS~~ES~~ MEN BUT WHAT WERE MORE OR LESS IMPLICATED IN THIS. AND THEREFORE A CONVICTION CANNOT BE HAD. I COULD TELL YOU, GENTLEMEN, THAT IN THE BEGINNING WHERE THERE IS AN ACCOMPLICE, AND HE TESTIFIES TO A FACT, THAT MUST BE CORROBERATED; NOT ONLY THE FACT THAT A CRIME WAS COMMITTED B~~Y~~UT IN THE COMMISSION OF THE CRIME. <sup>[10]</sup> HOWZARD: I RISE TO A POINT OF ORDER. AS A POINT OF LAW I DENY THE PROPOSITION, , AND I MAKE THE PROPOSITION THAT THE JURY ~~ARR~~ ARE THE JUDGES OF OF THE EVIDENCE; THAT THEY MAY BELIEVE AND ACT UPON UNCORROBERATED EVIDENCE OF AN ACCOMPLICE; AND I ASK YOUR HONOR TO SO INSTRUCT THE JURY. COURT: THE RULE WHICH I HAVE ALWAYS FOLLOWED IN THIS COURT, AND IN THE OTHER COURTS THAT I HAVE PRESIDED OVER, IS ALWAYS TO REQUIRE THE INSTRUCTIONS BEFORE THE EVIDENCE ARGUEMENTS. IN THAT CASE THERE IS NO DISPUTEING WHAT THE LAW IS. BY CONSENT OF

SCAPEGOAT IN OTHER WORDS THAT HE SHALL BE SACRIFICED AND THE BALANCE LET FREE. NOW GENTLEMEN OF THE JURY AFTER IN MAKING<sup>737</sup> <sup>[[32]]</sup> THESE REMARKS I HAVE NOT YET COME TO CRITICIZE THEIR TESTIMONY; FOR I SHALL SHOW YOU BEFORE I GET THROUGH THAT THERE IS NOT ONE OF THOSE MEN BUT WHAT WERE MORE OR LESS IMPLICATED IN THIS AND THEREFORE A CONVICTION CANNOT BE HAD. I TELL YOU GENTLEMEN OF THE JURY THAT IN THE BEGINNING WHERE THERE IS AN ACCOMPLICE AND HE TESTIFIES TO A FACT THAT MUST BE CORROBORATED [space] CORROBORATED NOT ONLY THE FACT THAT A CRIME WAS COMMITTED BUT IN THE COMMISSION OF THE CRIME. [space] HOWARD I RISE TO A POINT OF ORDER THAT IS A POINT OF LAW I DENY THE PROPOSITION I MAKE THE PROPOSITION THAT THE JURY ARE THE JUDGES OF OF THE EVIDENCE THAT THEY MAY BELIEVE AND ACT UPON THE UNCORROBORATED EVIDENCE OF AN ACCOMPLICE AND ASK YOUR HONOR TO SO INSTRUCT THE JURY [space] COURT: THE RULE WHICH I HAVE ALWAYS FOLLOWED IN THIS COURT AND IN THE OTHER COURTS I HAVE PRESIDED OVER IS ALWAYS TO REQUIRE THE INSTRUCTIONS BEFORE THE ARGUMENTS IN THAT CASE THERE IS NO DISPUTING WHAT THE LAW IS BY CONSENT OF

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737. The corner of the page is folded over.

**BT**

**PS**

COUNSEL IN THE CASE I LET IT GO UNTIL THE ARGUMENTS WERE THROUGH. IT IS ONLY BY CONSENT OF COUNSEL HOWEVER THAT IT IS DONE. THE OBJECT IS TO PREVENT ANY MISSTATEMENT OF THE LAW TO THE JURY; BUT WHEN THE PARTIES DON'T CONSENT THE INSTRUCTIONS CAN BE GIVEN UNTIL AFTER THE ARGUMENTS. I DON'T THINK IT WOULD BE IMPROPER FOR THE COUNSELORS TO STATE WHAT THE INSTRUCTIONS OF THE COURT WOULD BE; THEN OF COURSE THE JURY WILL BE BOUND BY THE INSTRUCTIONS, BUT ATTORNEYS MAY STATE THEIR VIEWS OF THE LAW. WHATEVER THE LAW WAS THEY WOULD HAVE TO BE BOUND BY THAT.

THE ATTORNEY MAY STATE TO THE JURY WHAT HE THINKS THE LAW WILL BE, AND WHAT HE THINKS THE INSTRUCTIONS WILL BE; STILL THE JURY WILL BE BOUND BY THE INSTRUCTIONS WHATEVER THEY MAY BE. HOWARD: WE HAVE SOME AUTHORITIES I WILL INTRODUCE, SHOWING WHAT WE CLAIM TO BE THE LAW, THAT THE JURY MAY TAKE THE UNCORROBORATED STATEMENT OF ACCOMPLICES IF

COUNSEL IN THE CASE I LET IT GO UNTIL THE ARGUMENTS GET THROUGH. IT IS ONLY BY CONSENT OF COUNSEL HOWEVER THAT THIS IS DONE THE OBJECT IS TO PREVENT ANY MISSTATEMENT OF THE LAW TO THE JURY BUT WHEN BY THE CONSENT OF PARTIES THE INSTRUCTIONS ARE NOT TO BE GIVEN UNTIL AFTER THE ARGUMENTS I DON'T THINK IT WOULD BE IMPROPER FOR THE COUNSELORS TO ASK WHAT THE INSTRUCTIONS OF THE COURT WOULD BE THEN OF COURSE THE JURY WILL BE BOUND BY THE INSTRUCTIONS AND ATTORNEYS MAY STATE THEIR VIEW OF THE LAW [space] IF THE LAW WAS BEFORE GIVEN THEN THEY WOULD BE BOUND BY THE [space] HOWARD I AM LITTLE SENSITIVE OVER THIS POINT IF I REMEMBER *IF/FOR*[?] HE VERY [space] <sup>[[33]]</sup> RESPECTABLY COURT [space] : DIRECT IN MY COMMENTS TO ADDRESS *HIMSELF/MATTERS*[?] TO THE COURT IF THERE IS ANY QUESTION WHATEVER ~ [space] COURT: [space] THE ATTORNEY MAY STATE TO THE JURY WHAT HE THINKS THE LAW WILL BE AND WHAT HE THINKS THE INSTRUCTIONS WILL BE [space] STILL THE JURY WILL BE BOUND BY THE INSTRUCTIONS WHATEVER IT MAY BE. [space] HOWARD<sup>738</sup> WE HAVE SOME AUTHORITIES AND WILL INTRODUCE THEM SHOWING WHAT WE CLAIM TO BE THE LAW THAT THE JURY MAY TAKE THE UNCORROBORATED STATEMENT OF ACCOMPLICES IF

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738. In the left margin.

BT

PS

THEY BELIEVE IT. COURT: I LIKE THE OTHER COURSE THE BETTER—AND THEN ONE ATTORNEY CANT SAY, I VIEW THE LAW SO AND SO, AND I BELIEVE THE COURT WILL SO INSTRUCT THE JURY———

HOWARD: THE REASON I WANTED TO HAVE THE RULE SUSPENDED —I SUGGESTED IT BECAUSE I NEVER UNTIL I CAME INTO THIS DISTRICT— I NEVER IN MY LIFE HEARD OF THE PRACTICE OF INSTRUCTING THE JURY BEFORE THE ARGUMENT. I DISLIKE TO INTERRUPT— IF WE DISAGREE UPON THE LAW WE SIMPLY STATE <sup>[11]</sup> OUR VIEW OF THE LAW WITH THE UNDERSTANDING THAT THE JURY SHALL FINALLY TAKE THE LAW FROM THE COURT. WE CAN'T FIND—BUT THE RULE IS STATED TO BE THIS, THAT IF THE JURY BELIEVE WHAT AN ACCOMPLICE WITNESS TELL TESTIFIED TO, TAKE THAT TESTIMONY UNCORROBERATED AND A CIRCUIT COURT OF THE UNITED STATES ——— HOWEVER ONE OF THE DISTRICT COURTS GAVE THIS DECISION INSTRUCTION, THAT IT WAS ALWAYS BETTER FOR THE COURT TO SAY TO THE JURY THAT THEY SHOULD EXAMINE THAT TESTIMONY WITH CARE AND CAUTION, BUT THEY COULD NOT LAY DOWN AN ARBITRARY RULE ——— COURT: WHAT I THINK THE LAW IS I WILL GIVE TO THE IN THE INSTRUCTIONS, WHEN I COME TO

THEY BELIEVE IT. [space] COURT: I LIKE THE OTHER COURSE THE BETTER [space] —THAN ONE ATTORNEY I SAY I VIEW THE LAW SO AND SO AND [space] I BELIEVE THE COURT WILL SO INSTRUCT THE JURY AND I WANT TO TALK TO THE JURY THAT WAY [space] HOWARD [space] THE REASON WE WANT TO HAVE THE RULE SUSPENDED [space] I SUGGESTED IT BECAUSE I NEVER UNTIL I CAME INTO THIS DISTRICT I NEVER IN MY LIFE HEARD OF THE PRACTICE OF INSTRUCT JURY BEFORE THEIR/OTHER[?] ARGUMENT. [space] I DISLIKE TO INTERRUPT HIM COURT: WHEREVER I SEEN IT. [space] IF WE DISAGREE UPON THE LAW BUT[?] WE SIMPLY STATE OUR VIEW OF IT WITH THE UNDERSTANDING THAT THE JURY SHALL FINALLY TAKE THE LAW FROM THE COURT. WE CAN'T FIND [space] I CONSIDER THE RULE TO BE THIS; IF THE JURY BELIEVE WHAT AN ACCOMPLICE WITNESSES THEY MAY TAKE THAT TESTIMONY UNCORROBORATED AND THE CIRCUIT COURT OF THE UNITED STATES ~ [torn corner] <sup>[34]</sup> HOWEVER ONE OF THE JUSTICES GAVE THESE INSTRUCTIONS THAT IT WAS ALWAYS BETTER FOR THE COURT TO SAY TO THE JURY THAT THEY SHOULD EXAMINE THAT TESTIMONY WITH CARE AND CAUTION BUT THEY COULD NOT LAY DOWN AN ARBITRARY RULE ~ [space] COURT: WHAT I THINK THE LAW IS I WILL GIVE IN THE INSTRUCTIONS: WHEN I COME TO



**BT**

**PS**

INSTRUCT THE JURY. I THINK IT IS PROPPER FOR COUNSEL TO STATE WHAT ~~HE THINKD~~ HE CONSIDERS THE LAW IS, AND WHAT HE ~~CONSIDER~~-THINK THE COURT WILL INSTRUCT THE JURY THE LAW IS. SPICER: MAY IT PLEASE THE COURT, AND GENTLEMEN OF THE JURY: AS I UNDERSTAND THE LAW IT IS THIS: AND THE SAME VIEW ~~IDS~~ TAKEN

BY THE SUPREME COURT AND ALL COURTS, BOTH UNITED STATES COURTS AND ENGLISH COURTS AND OUR OWN COURTS; THAT WHERE THERE IS NO CORROBERATING TESTIMONY OF AN ACCOMPLICE OR ONE WHO WAS PRESENT~~±~~, AIDING AND ABETTING, HE IS AN ACCOMPLICE BY LAW, - THAT THEY MUST SCAN THE TESTIMONY WITH A GREAT DEAL OF CARE. THEY MUST SCAN THE MOTIVES OF THE PARTIES GIVING ~~GIVING~~-THIS TESTIMONY; THEY MUST BE SURE THEY ARE CORRECT; AND THEN AFTER ALL THAT , UNLESS THEY ARE CORROBERZATED BY SOMETHING THAT NOT ONLY GOES TO CORROBERATE THE SIMPLE PROOF OF IT OR ANY PARTICULAR PORTION OF IT; BUT IT MUST GO TO A CORROBERATION OF ~~OF~~ THE FACTS.

AND THART WHERE THE CORROBERTATING TESTIMINY GOES ONLY TO ~~TH~~ SHOW THAT THE CRIME WAS COMMITTED, IT IS INSUFFICIENT AS CORROBERATING TESTIMONY. IT IS TAKEN FROM A VERY RESPRECTABLE AUTHORITY. .

INSTRUCT. I THINK IT IS PROPER FOR ATTORNEY TO STATE WHAT THEY CONSIDER THE LAW IS AND WHAT THEY THINK THE COURT WILL INSTRUCT THE JURY THE LAW IS. [space] MAY IT PLEASE YOUR HONOR AND GENTLEMEN OF THE AS I UNDERSTAND THE LAW IT IS THIS THAT TO LAY WHATEVER THE LAW IS SO *TO GIVE*[?] *IT SAME/SOME*[?] GROUND BY THE *SUPREME*[?] COURT OF ALL COURTS BOTH UNITED STATES COURTS AND ENGLISH COURTS AND OUR OWN COURTS THAT WHERE THERE IS NO CORROBORATING TESTIMONY OF AN ACCOMPLICE *OR*[?] ONE WHO WAS PRESENT AIDING AND ABETTING HE IS AN ACCOMPLICE BY LAW THAT THEY MUST SCAN THE TESTIMONY WITH A GREAT DEAL OF CARE. THEY MUST SCAN THE MOTIVES OF THE PARTIES GIVING THIS TESTIMONY THEY MUST BE SURE THEY ARE CORRECT AND THEN AFTER ALL OF THAT UNLESS THEY ARE CORROBORATED BY SOMETHING THAT NOT ONLY GOES TO CORROBORATE A SMALL PORTION OF IT OR ANY PARTICULAR PORTION OF IT BUT IT MUST ~~BE~~ GO TO A CORROBORATION OF THE FACTS JUST AS I HAVE BECAUSE WHEN *I*[?] GIVE THE INSTRUCTION TO THIS EFFECT THAT WHERE THE CORROBORATING TESTIMONY GOES ONLY TO SHOW THAT THE CRIME WAS COMMITTED IT IS INSUFFICIENT AS CORROBORATING TESTIMONY [space] IT IS TAKEN FROM A VERY RESPECTABLE AUTHORITY. [space]

BT

PS

NOW, GENTLEMEN,  
 I GOT A LITTLE OFF MY FEET  
 BY MY FRIEND HOWARD,S  
**INTERRUPTION** <sup>[12]</sup> WE COME, NOW,  
 TO ANOTHER POINT IN THIS  
 CASE, THAT IS THIAS: AXS TO THE  
 WITNESSES THAT HAVE BEEN  
 BEFORE YOU, THEIR MOTIVES,  
 THEIR ACTS, THEIRR ACTIONS  
 SINCE THZAT TIME—EVERYTHING  
 MUST B4E TAKEN INTO  
 CONSIDERATION AND CLOSELY  
 SCANNED. THEN, AS I  
 CONTEND FURTHER, THAT  
 IF THEY MAKE AOUT A CASE  
 AGAINST JOHN ,D LEE,—  
 UNLESS IT IS CORROBERATED TO  
 AN EXTENT BEYOND THE MERE  
 FACT THAT A CRIME WAS  
 COMMITTED,—YOU MUST FIND THE  
 CASE NOT PROVEN. THAT I SHALL  
 CONTEND IS THE LAW, AND I AM  
 SATISFIED THAT WILL BE THE  
 INSTRUCTIONS OF THE COURT.

NOW,  
 GENTLEMEN OGF THE  
 JURY, LET US COMMENCE — IN THE  
 FIRST PLACE, WE HAVE MR.  
 MORRIL. MR. MORRIL CAME UP ON  
 SUNDAY AND FOUND  
 CONSIDERABLE EXCITEMENT—  
 EXCITEMENT ABOUT THE TRAIN.  
 THIS WZAS AT CEDAR CITY. YOU  
 MUST RECOLLECT ALSO THAT  
 HARMONY WAS SOME DISTANCE  
 FROM CEDAR CITY. I  
 DON,T THINK IT NECESSARY FOR  
 ME TO ~~TO~~-TELL YOU MUCH  
 ABOUT THE PLACE; YOU HAVE IN  
 ALL PROBABILITY BEEN ~~ON~~ <OVER>  
 THE GROUND . THIS MAN

NOW THEN GENTLEMEN OF THE  
 JURY I GOT A LITTLE OFF MY FEET  
 BY MY FRIEND HOWARD’S  
 INTERRUPTION— [space] WE<sup>739</sup> COME  
 DOWN TO ANOTHER POINT IN THIS  
 CASE THAT IS THIS AS TO THE  
 WITNESSES THAT HAVE BEEN  
 BEFORE YOU THEIR MOTIVES  
 THEIR ACTS AND THEIR ACTIONS  
 SINCE THAT TIME EVERYTHING  
 MUST BE TAKEN INTO  
 CONSIDERATION AND CLOSELY  
 SCANNED. THEN AS I [torn corner] <sup>[[35]]</sup>  
 CONTEND FURTHER THAT IN CASE  
 EVEN IF THEY MAKE OUT CASE  
 AGAINST JOHN D. LEE IN FULL  
 UNLESS IT IS CORROBORATED TO  
 AN EXTENT BEYOND MERE  
 FACT THAT THE CRIME WAS  
 COMMITTED YOU MUST FIND THE  
 CASE NOT PROVEN THAT I SHALL  
 CONTEND IS THE LAW I AM  
 SATISFIED TOO LATER/LITTLE[?]  
 PRIOR TO THE INSTRUCTION WILL  
 THERE[?] BE GIVEN IT OUGHT NOT[?]  
 BE GIVEN BY THE COURT. ¶ NOW  
 GENTLEMEN GENTLEMEN OF THE  
 JURY LET US COMMENCE = IN THE  
 FIRST PLACE WE HAVE MR.  
 MORRIL. MR. MORRIL CAME UP ON  
 SUNDAY AND FOUND  
 CONSIDERABLE EXCITEMENT =  
 EXCITEMENT ABOUT THE TRAIN  
 THIS WAS AT CEDAR CITY. YOU  
 WILL RECOLLECT ALSO THAT  
 HARMONY WAS SOME DISTANCE  
 FROM CEDAR CITY IN IN FACT. I  
 DON’T THINK IT NECESSARY FOR  
 ME ~~TO TALK~~-TO TELL YOU MUCH  
 ABOUT THE PLACE THAT HAVE IN  
 ALL PROBABILITY PASSED OVER  
 THE GROUND [space] THIS MAN

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739. Rogerson’s hand symbol is in the left margin.

**BT**

**PS**

CAME UP FROM WHEREVER HE LIVED AND FOUND THE PEOPLE EXCITED. THEY HAD A COUNSEL THERE. A COUNSEL WAS HELD AND AMONG OTHERS WAS HAIGHT, HIGBEE, SMITH AND SOME OTHERS. THE QUESTION AROSE THERE WHAT WAS TO BE DONE WITH THOSE EMIGRANTS. IT WAS STATED THAT THEY MADE THREATS AGAINST PARTIES. THIS EMIGRANT TRAIN MADE THREATS AGAINST THE CITIZENS; AND THEY WERE TOLD WHAT THOSE THREATS WERE; AND ONE OF THE WITNESSES AFTERWARDS SAID THAT ONE OF THE MEN HAD ASSERTED THAT HE WAS PRESENT WHEN JOE SMITH WAS KILLED; AND ASSISTED IN KILLING JOSEPH SMITH; THAT THAT MAN WAS SHOWN TO HIM, AND HE FORGOT ABOUT IT. TOLD THAT HE WOULD BE ON THE SOUTHERN PART OF THE TERRITORY WHEN THE NORTHERN ARMY CAME IN THERE. THIS OF COURSE WAS A GREAT AFFLICTION. THESE MEN AT THAT TIME WERE LIVING ON THE OUT SIDE SETTLEMENTS, AS YOU MAY SAY UNPROTECTED ONLY BY THEMSELVES. AGGRAVATED BY THREATS, AND WORSE THAN THAT, THE INDIANS AT THAT TIME COULD SCARCE BE CONTROLLED FROM WHAT <sup>[13]</sup> THEY HAD HEARD IN THE NORTH; TO WIT, NORTH OF CEDAR CITY. THIS MATTER WAS ALL DISCUSSED. NOW, MR, MORRIL STATES THAT HE ~~SIRAT~~ **FIRST** SPOKE,—OR THAT THEY ALL TALKED ABOUT IT; AND FINALLY THE CONCLUSION WAS THAT

CAME UP FROM WHEREVER HE LIVED AND FOUND THE PEOPLE EXCITED. THEY HAD A COUNCIL THERE A COUNCIL WAS HELD AND AMONG OTHERS WAS HAIGHT HIGBEE SMITH AND SOME OTHERS THE QUESTION AROSE THERE WHAT WAS TO BE DONE WITH THIS EMIGRANT TRAIN IT WAS STATED THEY HAD MADE THREATS AGAINST THE PARTIES. THIS EMIGRANT TRAIN HAD MADE THREATS AGAINST THE CITIZENS AND THEY WERE TOLD WHAT THOSE THREATS WERE AND ONE OF THE WITNESSES AFTERWARDS SAID THAT ONE OF THE MEN WHO HAD ASSERTED THAT HE WAS PRESENT WHEN JOE SMITH WAS KILLED AND ASSISTED IN KILLING JOSEPH SMITH THAT THAT MAN WAS SHOWN TO HIM AND HE BRAGGED ABOUT IT AND SAID HE WOULD BE ON THE SOUTHERN PART OF THE TERRITORY WHEN THE NORTHERN ARMY CAME IN THERE. THIS OF COURSE WAS AN AGGRAVATION [space] THOSE MEN AT THAT TIME WERE LIVING ON THE OUTSIDE SETTLEMENTS AND YOU MAY SAY UNPROTECTED ONLY BY THEMSELVES AGGRAVATED BY THREATS AND WORSE THAN THAT THE INDIANS AT THAT TIME COULD SCARCE BE CONTROLLED FROM WHAT THEY HAD HEARD HAD OCCURRED <sup>[36]</sup> NORTH OF THAT TO WIT NORTH OF CEDAR CITY. [space] THIS MATTER WAS ALL DISCUSSED. NOW MR MORRIL STATES THAT HE FIRST SPOKE OR THAT THEY ALL TALKED ABOUT IT AND FINALLY THE CONCLUSION WAS THAT

**BT**

**PS**

THEY SHOULD LET THAT TRAIN PASS, AND LET IT GO ON. NOW, MARK YOU, GENTLEMEN, AT THIS TIME THE TRAIN HAD GOT TO CEDAR CITY—JUST ABOUT TO CEDAR CITY, OR CLOSE THERETO. THEN AFTER IT PASSED THERE IT WAS THOUGHT AFTER THESE THREATS WERE MADE THAT IT WAS PROPER TO WATCH THEM TO SEE THAT THEY COMMITTED NO OFFENCE AGAINST THE OUTSIDE SETTLEMENTS.

IT WAS NOTHING THAT THEY SHOULD BE WATCHED; IT WAS NOTHING THAT THEY SHOULD PASS BY THERE AND BE PERMITTED TO GO ON AND COMMIT DEPREDATIONS, NOR EVEN TO CARRY OUT THEIR THREATS. WE MUST TAKE THESE THREATS AS HAVING BEEN MADE, BECAUSE THEY HAVE BEEN PROVEN BY THE PROSECUTION IN PAIS. THEN, GENTLEMEN OF THE JURY, IT WAS STATED BY MR. MORRIS HAMBLIN THAT LEE WAS SENT OUT FOR THE PURPOSE OF WATCHING THEM SO THAT THEY DIDN'T MAKE THEIR

THEY SHOULD LET THAT TRAIN PASS AND LET IT GO ON. NOW MARK YOU GENTLEMEN AT THIS TIME THE TRAIN HAD COME TO CEDAR CITY JUST ABOUT CEDAR CITY OR CLOSE THERETO AND THEN AFTER IT PASSED THERE IT WAS THOUGHT AFTER THESE THREATS HAD BEEN MADE THAT IT WAS PROPER TO WATCH THEM SO THAT THEY ~~MADE NO~~ COMMITTED NO OFFENCE AGAINST THE OUTSIDE SETTLEMENTS. MY BROTHER WAS WRONG WHEN HE SAID IT WAS HOWLING WILDERNESS UNDER THEM [space] CLARA MUDDY UNDER THEM THEY FOUND ANOTHER SPRING I HAVE FORGOTTEN IT IN VALLEY IN WHICH AT THAT TIME THERE WERE SETTLEMENTS [space] HE WAS WRONG IN THAT STATEMENT [space] I KNOW THAT PART OF THE COUNTRY PRETTY WELL WHEN THAT COUNTRY ESTABLISHED OF THIS LAND OF UTAH [space] THEN GENTLEMEN THE COUNSEL CAME TO THIS CONCLUSION IT WAS NATURAL

THAT THEY SHOULD BE WATCHED IT WAS NATURAL THEY SHOULD NOT PASS BY THERE AND BE PERMITTED TO GO ON AND COMMIT DEPREDATIONS NOR EVEN TO CARRY OUT THEIR THREATS WE MUST TAKE THESE THREATS AS HAVING BEEN MADE BECAUSE THEY HAVE BEEN PROVEN BY THE PROSECUTION IN PAIS. THEN GENTLEMEN OF THE JURY IT WAS STATED BY MR HAMBLIN THAT LEE WAS SENT OUT FOR THE PURPOSE OF WATCHING THEM SO THAT THEY DIDN'T MAKE THEIR

**BT**

**PS**

<p>OUTFITS ON THE OUTSIDE SETTLEMENTS.. THEN, IT IS FURTHER STATED BY MR, HAMBLIN AND YOU HAVE GOT TO TAKE HIS WHOLE STATEMENT OR NONE OF IT, THAT LEE TOLD HIM IT WAS IMPOSSIBLE FOR HIM TO RESTRAIN THOSE INDIANS, AND IT WAS IMPOSSIBLE FOR HIM TO DO OTHERWISE; THAN HE DID; THAT THE INDIANS THEMSELVES BECAME ENRAGED; THAT THEY WERE UNDER HIS CONTROL; THAT THEY MADE THE ATTACK; WERE REPULSED; AND THEY CAME TO HIM AND TOLD HIM THAT HE MUST GO WITH THEM; AND THAT IN ORDER THAT THIS ATTACK MIGHT BE SUCCESSFUL HE WOULD HAVE TO LEAD THEM; AND THEY COMPELLED HIM TO LEAD THEM FOR THE SECOND ATTACK. THEN AGAIN THERE IS ANOTHER WITNESS, WHOS NAME I HAVE FORGOTTEN—HAMBLIN SAID THAT LEE WAS SHOT BY THE INDIANS —SHOT AT BY THE INDIANS. HOWARD: NO, BY THE EMIGRANTS IN THE ATTACK. FOSTER: AT ALL EVENTS HE WAS SHOT IN THIS; THAT TWO MEN WERE SENT BACK <sup>[14]</sup> FOR THE PURPOSE OF GETTING &lt;WHAT&gt; ASSISTANCE <del>ASSISTANCE</del> THEY COULD TO PROTECT THESE EMIGRANTS. THEN COMES HIGBEE AND HAIGHT UPON THE FIELD. NOW, GENTLEMEN OF THE JURY, LET US EXAMINE KNIGHTS TESTIMONY A LITTLE. MR. KNIGHT WAS THERE FOR THE PURPOSE OF</p>	<p>OUTFIT ON THE OUTSIDE SETTLEMENTS. THEN IT IS FURTHER STATED BY MR. HAMBLIN AND YOU HAVE GOT TO TAKE HIS WHOLE STATEMENT OR NONE OF IT ~ THAT LEE TOLD HIM IT WAS IMPOSSIBLE FOR HIM TO RESTRAIN THOSE INDIANS AND IT WAS IMPOSSIBLE FOR HIM TO DO OTHERWISE THAN HE DID DO. [space] <sup>[[37]]</sup> THAT THE INDIANS THEMSELVES BECAME ENRAGED THAT THEY WERE BEYOND HIS CONTROL THAT THEY MADE THE ATTACK WERE REPULSED AND THEY CAME TO HIM AND TOLD HIM THAT HE MUST GO WITH THEM [space] THAT IN ORDER THAT THIS ATTACK MIGHT BE SUCCESSFUL HE WOULD HAVE TO LEAD THEM AND THEY COMPELLED HIM TO LEAD THEM IN THE SECOND ATTACK. THEN AGAIN THERE IS ANOTHER WITNESS WHOSE NAME I HAVE FORGOTTEN ~ HAMBLIN STATED THAT LEE WAS SHOT BY THE INDIANS SHOT AT BY THE INDIANS [space] HOWARD NO BY THE EMIGRANTS IN THE ATTACK. ~ [space] AT ALL EVENTS HE WAS SHOT IN THIS = THAT THESE TWO MEN WERE SENT BACK FOR THE PURPOSE OF GOING AND GETTING ASSISTANCE TO PROTECT THESE EMIGRANTS. THEN COMES HIGBEE AND HAIGHT UPON THE SCENE. NOW THEN GENTLEMEN OF THE JURY LET'S EXAMINE KNIGHT'S TESTIMONY A LITTLE. <sup>740</sup> MR. KNIGHT IS THERE FOR THE PURPOSE</p>
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740. Rogerson's hand symbol, in ink.

**BT**

**PS**

<p>HERDING CATTLE—THERE BECAUSE HIS WIFE IS SICK. HE IS ON THE GROUND AND HE HAD THE WILDEST TEAM OF HORSES THAT EVER WAS HITCHED UP SINCE JEHOVA DROVE THEM. GENTLEMEN OF THE JURY, HE WAS COMING UP FROM THE CLARA, OR SOME WHERE DOWN THERE, AND HE MET LEE. THERE WAS ANOTHER MAN WITH HIM, AND THAT MAN'S NAME HE NEVER COULD RECOLLECT, NOR WOULD HE TELL WHO WAS WITH HIM. SUPPOSE I SHOULD COME BEFORE YOU, GENTLEMEN OF THE JURY, AND SAY TO YOU THAT SOMEBODY STOLE THAT MONEY, THAT I SAW HIM STEAL IT, AND YET REFUSED TO TELL WHO IT IS. WOULD YOU BELIEVE ME? THERE, GENTLEMEN, IS A SUPPRESSION OF EVIDENCE; THERE IS A SUSPICION UPON THE WITNESS THAT GAVE IT. THERE IS SOMETHING THAT SHOULD DISCREDIT THAT WITNESS HOWEVER MUCH HE MAY BE RELIED UPON UNDER ANY OTHER CIRCUMSTANCES. ANOTHER REMARKABLE THING, JUST AS SOON AS HE GOT TO THIS PLACE ALLUDED TO, HE ONLY SAW LEE RAISE SOMETHING LIKE A CLUB, AND THEN HE WAS ENGAGED WITH THE TEAM. HE TELLS YOU THAT THE FIRST SHOT WAS FIRED IN THE REAR, BACK WHERE THE COLUMN WAS, A QUARTER OF A MILE FROM THERE;; AND JUST AS SOON AS THAT SHOT WAS FIRED JOHN D. LEE RAISED A CLUB. HE DIDN'T SEE</p>	<p>OF HERDING CATTLE THERE BECAUSE HIS WIFE IS SICK HE WAS ON THE GROUND AND HE HAD THE WILDEST TEAM OF HORSES THAT EVER WAS HITCHED SINCE JVRU[?] DROVE THEM GENTLEMEN OF THE JURY HE WAS COMING UP FROM THE CLARA OR DOWN THERE SOMEWHERE AND HE MET LEE THERE WAS ANOTHER MAN WITH HIM AND THAT MAN'S NAME HE NEVER COULD RECOLLECT NOR WOULD HE TELL WHO WAS WITH HIM. SUPPOSE I SHOULD COME UP BEFORE YOU GENTLEMEN OF THE JURY SAY TO YOU THAT SOMEBODY STOLE THAT MONEY THAT I SAW HIM STEAL IT AND YET REFUSED TO TELL WHO IT IS, WOULD YOU BELIEVE ME THERE GENTLEMEN IS A SUPPRESSION OF EVIDENCE THAT THROWS SUSPICION UPON THE WITNESS THAT GAVE IT. THERE IS SOMETHING THAT SHOULD DISCREDIT THAT WITNESS HOWEVER MUCH HE MAY BE RELIED UPON UNDER ANY OTHER CIRCUMSTANCES. ANOTHER REMARKABLE THING THAT JUST HAPPENED AS SOON AS HE GOT TO THIS PARTY[?] PEOPLE LOADED UP AND WAS STARTING OUT <sup>[[38]]</sup> HE ONLY SAW LEE RAISE SOMETHING LIKE A CLUB AND THEN HE WAS ENGAGED WITH THE TEAM [space] HE TELLS YOU THAT THE FIRST SHOT WAS FIRED IN THE REAR BACK WHERE THE COLUMN WAS A QUARTER OF A MILE FROM HIM AND JUST AS SOON AS THAT SHOT WAS FIRED HE SAW JOHN D. LEE RAISE A CLUB HE DIDN'T SEE</p>
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**BT**

**PS**

HIM STRIKE.. NOW, GENTLEMEN OF THE JURY, THERE IS ~~N~~KNIGHTS TESTIMONY—THEN HIS HORSE BECAME VERY UNMANAGABLE. I ~~DON~~M'T THINK HE COULD HAVE HITCHED THEM TO 40 HITCHING POSTS AND HAD THEM SAFE. WHY, HE DIDN'T APPEAR TO KNOW ANYTHING; AND HE REFUSED TO ~~TEO~~ TELL YOU WHO WAS WITH HIM — WHO WAS PRESENT. WHY HE WAS UPON THE MEADOWS AND TELLS YOU THAT HE CAN'T RECOLLECT ANY OF THEM NOR THEIR NAMES. WHY, GENTLEMEN OF THE JURY, I TELL YOU THAT SCENE IS UPON ~~PAINTED ON THE MINDS~~ <sup>[15]</sup> PAINTED ON THE MINDS OF EVERY MAN THAT WAS THERE, AS PLAIN AS THE WHITEWASH UPON THAT WALL. IT WILL NEVER BE ERADICATED WHILE THEY LIVE— IT IS IMPOSSIBLE. THEN, GENTLEMEN OF THE JURY, WE HAVE ~~ONE WITNESS~~ ONE OF THE PARTIES, THE FIRST WITNESS THAT WAS PRESENT AT THE FIELD, POSITIVELY REFUSING TO TELL YOU THE WHOLE TRUTH. ~~AND NOTHING BUT THE TRUTH.~~

WE THEN COME TO MC MURDY. HE WAS AT HOME THRESHING OUT ~~HE~~ HIS GRAIN. HE WAS THERE TREADING IT OUT ON THE GROUND WITH HIS HORSES. WHILE ~~IN~~ IN THAT CONDITION, HE WAS NOTIFIED BY HAIGHT, IF I RECOLLECT

HIM STRIKE. NOW GENTLEMEN OF THE JURY THERE IS ~~LEE'S~~ ~~KNIGHTS~~ TESTIMONY THEN HIS HORSES BECAME VERY [space] I ~~DON~~'T UNMANAGEABLE [space] I DON'T THINK HE COULD HAVE HITCHED THEM TO 40 HITCHING POSTS AND HAD THEM SAFE WHY HE DON'T *APPEAR*[?] KNOW BUT ANYTHING A HE REFUSED TO TELL YOU WHO WAS WITH HIM WHO WAS PRESENT WHOM HE SAW UPON THE MEADOWS AND TELLS YOU THAT HE CAN'T RECALL ANY OF THEM, NOR THEIR NAMES WHY GENTLEMEN OF THE JURY AND I TELL YOU THAT SCENE IS PAINTED IN THE MIND OF EVERY MAN THAT WAS THERE AS PLAIN AS THE WHITEWASH UPON THAT WALL. IT IS NEVER TO BE ERADICATED WHILE THEY LIVE; IT IS IMPOSSIBLE. THEN GENTLEMEN OF THE JURY WE HAVE ONE OF THE PARTIES THE FIRST WITNESS THAT WAS PRESENT AT THE FIELD OPENLY REFUSES TO TELL YOU WHOLE TRUTH AND NOW GENTLEMEN IF KNOW ANYTHING BETWEEN NOT TELLING THE WHOLE TRUTH [space] ~ THAN TELLING FALSITY WHEN YOU ARE SWORN TO TELL THE TRUTH [space] WE NEXT COME TO MR. [space] WE THEN COME TO MC MURDY HE WAS AT HOME PEACEABLY THRESHING HIS GRAIN HE WAS THERE TREADING IT OUT WITH THE HORSES UPON THE *GRAIN/GROUND*[?] WHILE IN THAT CONDITION HE WAS NOTIFIED BY HAIGHT IF I RECOLLECT

**BT**

**PS**

RIGHT OR HIGBEE, ONE OF THE TWO, THAT HE WAS TO BE READY IN TWO HOURS, FOR THE PURPOSE OF BRINGING IN THE WOUNDED, AND FOR THE PURPOSE OF BRINGING IN THE CHILDREN FROM THAT PLACE. HE GOES DOWN AND HE COMES TO ~~MC~~MURDY HAMBLINS RANCH. HE IS ORDERED NEXT MORNING TO GO OVER TO THAT PLACE, DOWN TO WHERE THE PARTIES WERE ENCAMPED. RECOLLECT, GENTLEMEN OF THE JURY, IT IS IN EVIDENCE HER4E THAT <WHERE> THE MASSACRE TOOK PLACE IS ~~OVER~~ FROM FOUR TO SIX MILES FROM THAT RANCH. RECOLLECT THAT LEE WAS AT THE RANCH; AT THE RANCH ONE DAY AT THE MEADOWS ANOTHER, BACK AND FORTH AND EVERY PLACE AT THE SAME TIME. ACCORDING TO THE TESTIMONY HE GIVES HE IS ORDERED <BY LEE> TO GO ON ; HE GOES DOWN TO THE MEADOWS AND HE SAW THERE— WHAT? SOME INDIANS, AND ALSAS SOME WHITE MEN.

NOW, THEN, GENTLEMEN OF THE JURY, THE NEXT THING THAT HE FIGURES IN, — A HALT IS CALLED— HE DRIVES ON,— DROVE UNTIL HE GOT OVER THE HILL, RECOLLECT 20 OR 30 FEET AHEAD OF KNIGHT. KNIGHT COULD SEE LEE AND HE WAS 20 OR 30 FEET AHEAD OF HIM BUT COULD NOT SEE A THING

CORRECTLY OR HIGBEE ONE OF THE ~~TWO~~ BUT <sup>[[39]]</sup> THAT HE WAS TO BE READY IN TWO HOURS FOR WHAT PURPOSE FOR THE PURPOSE OF BRINGING IN THE WOUNDED OR FOR THE PURPOSE OF BRINGING IN THE CHILDREN FROM THAT PLACE [space] HE GOES DOWN AND HE COMES TO HAMBLIN'S RANCH HE IS ORDERED BY JOHN D. LEE THE NEXT MORNING TO GO FROM THAT PLACE DOWN TO WHERE THE PARTIES WERE ENCAMPED. RECOLLECT GENTLEMEN OF THE JURY IT IS IN PROOF HERE THAT WHERE THE MASSACRE TOOK PLACE IS FROM FOUR TO 6 MILES FROM THAT RANCH RECOLLECT THAT LEE WAS AT THE RANCH THAT HE WAS AT THE RANCH ONE DAY AT THE MEADOWS ANOTHER BACK AND FORTH AND EVERY PLACE AT THE SAME TIME ACCORDING TO THE TESTIMONY [space] HE GOES <THERE> HE IS ORDERED BY LEE TO GO HE [space] GOES DOWN TO THE MEADOWS AND HE SAW THERE WHAT [space] SOME INDIANS [space] WHO ELSE SOME MEN [space] MILITARY COMPANY ORDER TO LAY UP NOTHING MORE SAID NOW THEN GENTLEMEN OF THE JURY NEXT THING THAT HE FIGURES IN A HALT IS MADE AND MARK YOU HE DRIVES ON DROVE UNTIL HE GOT OVER THE HILL ONLY RECOLLECT 20 OR 30 FEET AHEAD OF KNIGHT KNIGHT COULD SEE THE WHOLE LINE AND HE WAS 20 OR 30 FEET AHEAD OF HIM AND COULD NOT SEE A THING



**BT**

**PS**

<p>OF THE MEN BY HIM. THE FØIRST SHOT HEARD WAS LEE;’S SHOT. LEE HAS A GUN AT HIS SHOULDER AND A WOMAN FALLWS. THEN HE SAW THIS THAT AND THE OTHER.— SAW THE INDIANS RAISE AND THEN HE SAW THIS <del>TROUBLE</del> TERRIBLE MURDER COMMITTED. GENTLEMEN OF THE JURY, WHE HE WAS ASKED IF HE KILLED ANYONE THERE HE REFUSED TO <del>TO</del> TELL US.. IS THAT <del>THE</del> TESTIMONY THZAT <sup>[16]</sup> OUGHT TO BE BELIEVED? IS THAT ANYTHING <del>N</del> MORE OR LESS THAN A WHITEWASH OF HIMSELF?. AND FURTHER THAN THAT, HE COULD NOT TELL YOU A SINGLE NAME, WITH THE EXCEPTION OGF THOSE WHO ARE DEAD OR OUT OF THE COUNTRY, EXCEPT THE NAME OF JOHN D. LEE. WHY, GENTLEMEN, I NEVER IN MY LIFE, AND I HAVE <del>SEEN</del> <b>WITNESSED</b> MANY <del>SINS</del> SCENES IN COURT ROOMS, BUT NEVER IN MY LIFE HAVE I SEEN THE LIKE OF THIS, AND GOD HELP ME I NEVER WISH TO <del>TO</del> SEE ANOTHER. NOW, GENTLEMEN OF THE JURY, THIS IS THE LANGUAGE OF SAMUEL MC MURDY. NOW THEN WE COME TO NEPHI JOHNSON. THERE IS A REMARKABLE THING ABOUT HIS TESTIMONY. HE WAXS A BOY, AN INTERPRETER. NOW, GENTLEMEN, I DON;’T SAY BUT WHAT T<del>Y</del>H<del>E</del>SE WITNESSES WOULD UNDER ORDINARY CIRCUMSTNACES TELL THE TRUTH.</p>	<p>OF THE MEN BY HIM AND FIRST SHOT HE HEARD WAS LEE’S SAW LEE’S HAS GUN AT HIS SHOULDER AND A WOMAN FALL THEN HE SAW THIS THAT AND THE OTHER SAW THE INDIANS RUSH IN AND THEN HE SAW THIS TERRIBLE MURDER COMMITTED GENTLEMEN OF THE JURY WHE HE WAS ASKED WHETHER HE KILLED ANY ONE THERE OR NOT HE REFUSED TO TELL US [space] IS THAT A TESTIMONY THAT SHOULD BE BELIEVED IS THAT ANYTHING MORE OR LESS THAN A WHITEWASH OF HIMSELF AND FURTHER THAN THAT GENTLEMAN HE COULD NOT TELL YOU <sup>[140]</sup> A SINGLE NAME WITH THE EXCEPTION OF THOSE WHO ARE DEAD OR OUT OF THE COUNTRY EXCEPT THE NAME OF JOHN D. LEE WHY GENTLEMEN OF THE JURY I NEVER IN MY LIFE AND I SEEN MANY SCENES IN COURT ROOMS BUT NEVER IN MY LIFE HAVE I SEEN THE LIKE OF THIS BEFORE AND GOD HELP ME AND<sup>741</sup> I NEVER WISH TO SEE ANOTHER NOW THEN THAT IS THE LANGUAGE OF SAM MC MURDY. NOW THEN WE COME TO NEPHI JOHNSON THERE IS A REMARKABLE THING ABOUT HIS TESTIMONY HE WAS A BOY AND AN INTERPRETER. NOW GENTLEMEN I DON’T <del>KNOW</del> [space] SAY THAT THESE WITNESSES UNDER ALL AND ORDINARY CIRCUMSTANCES WOULD <del>BE</del> TELL THE TRUTH [space] BUT YOU KNOW THAT WHILE YOUNG HE IS <i>NEAR</i>[?]</p>
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741. In the left margin.

**BT**

**PS**

BUT THEY WISH TO COVER THEMSELVES UP. THAT THERE ARE MANY OF THESE MEN THAT WOULD TELL THE TRUTH, BUT LIFE AND LIBERTY IS EVEN SWEETER THAN CONSCIENCE, TO MANY. NOW, THEN, GENTLEMEN, OF THE JURY, WE COME TO NEPHI JOHNSON. AS I HAVE SAID NEPHI JOHNSON WAS QUIETLY AT WORK ON HIS FATHERS FARM. A SON OF KLINGENSMITH CAME DOWN THERE AND SOME ONE ELSE— HE COULD NOT TELL THE NAME. NOW YOU KNOW THAT IF YOU LIVED HERE 18 MONTHS IN A SETTLEMENT LIKE THIS YOU COULD PRETTY NEAR TELL THE NAME OF EVERY MAN IN IT; AND THIS IS SUCH A REMARKABLE CIRCUMSTANCE,—SOMETHING BEYOND THE HISTORY ALMOST OF MAN; YET, THINKING IT OVER AND TRYING TO RECOLLECT, HE FAILS TO RECOLLECT WHO THIS YOUNG MAN WAS THIS YOUNG WAS WITH THIS YOUNG MAN SMITH THAT CAME FOR HIM. HE PROCEEDED AT ONCE TO THE MEADOWS —RATHER HE CAME TO HAMBLINS RANCH; THAT WAS THE FIRST; SAW LEE LEE; HEARD LEE TALK; RECOLLECTED WHAT HE SAID; RECOLLECTED EVERYTHING ABOUT IT; BUT WHEN WE CAME TO ASK HIM THE NAMES OF THOSE PARTIES THAT WERE, **THERE** HE DIDN'T RECOLLECT, IF YOU RECOLLECT HE SAID HE SPOKE IN ENGLISH TO THE INDIANS THROUGH HIS INTERPRETER, THE BOY. THAT IS THE <sup>[17]</sup> FIRST, THAT IS THE

TO THE GRAVE AND THEY WISH TO COVER THEMSELVES UP THAT THERE ARE MANY OF THESE MEN THAT MAY HOLD OUT AND LIFE AND LIBERTY IS EVEN SWEETER THAN CONSCIENCE TO MANY. NOW THEN GENTLEMEN OF THE JURY WE COME TO NEPHI JOHNSON AND AS I HAVE SAID [space] NEPHI JOHNSON WAS QUIETLY AT WORK ON HIS FATHER'S FARM. A SON OF KLINGEN SMITH CAME DOWN THERE AND SOME BODY ELSE = MARK YOU HE COULD NOT TELL THE NAME. NOW YOU KNOW THAT IF WE M[?] LIVE HERE 18 MONTHS IN A SETTLEMENT LIKE THIS WE CAN PRETTY NEAR TELL THE NAME OF EVERY MAN IN IT. AND THIS IS SUCH A REMARKABLE CIRCUMSTANCE SOMETHING BEYOND THE HISTORY ALMOST OF MAN STILL THINKING IT OVER RECALLING IT HE FAILS TO RECOLLECT WHO WAS WITH THIS YOUNG MAN SMITH THAT CAME FOR HIM. HE PROCEEDED AT ONCE TO THE MEADOWS RATHER HE CAME TO HAMBLINS RANCH; THAT WAS THE *FIRST*[?]; SAW LEE HEARD LEE TALK; RECOLLECTED WHAT HE SAID; RECOLLECTED EVERYTHING ABOUT IT; BUT WHEN WE CAME <sup>[[41]]</sup> TO ASK HIM THE NAMES OF THOSE PARTIES THAT WERE PRESENT HE DIDN'T RECOLLECT AND IF YOU RECOLLECT HE SAID HE SPOKE IN ENGLISH TO THE INDIANS THROUGH AN INTERPRETER A BOY. THAT IS THE FIRST THAT IS THE

**BT**

**PS**

<p>INTRODUCTION OF OUR FRIEND MR. JOHNSON. NOW, THEN, NEXT — NEXT MORNING LEE TOLD HIM TO GO DOWN TO THE MEADOWS —WENT DIRECTLY ON THE MEADOWS —WEN'T DOWN WHERE THEY WERE AT THE TIME ENCAMPED. WĒHEN HE REACHES THAT CAMP A FEW MEN WENT UP: WHEN THERE WAS A COUNSEL. DO YOU RECOLLECT THAT, GENTLEMEN:??HE WENT UP WHERE THERE WAS A COUNSEL AND HE AFTERWARDS, <del>AND HE</del> AFTERWARDS ZADMITTED THAT LEE CRIED THERE. LEE MUST HAVE BEEN EXACTLY WHAT THE INDIANS SAID HE WAS. LEE CRIED THERE BUT HE CAME BACK— HE KNEW THAT HIS HORSE WWS LOST—MARK YOU HE KNEW BEFORE HIS HORSE WAS LOST THAT THESE MEN WERE TO BE KILLED. HE COULD NOT TELL YOU THE NAME OF ANYBODY ELSE BUT HAIGHT AND HIGBEE THAT WERE THERE; YET HE ADMITTS THERE WAS A NUMBER. I AM SPEAKING OF THIS JUST TO SHOW YOU THAT THIAS MAN HAS TOLD A PORTION OF THE TRUTH. THEREFORE I SAY, WHEN A MAN EXPRESSES THE TRUTH BUT NOT THE WHOLE TRUTH, HE IS AS GUILTY OF PŪERGERY AS HE IS IF HE WILFULLY LIED. THEN, GENTLEMEN OF THE JURY, HE LOSES HIS HORSE AND GOES OUT ON THE OUTSIDE TO HUNT HIS HORSE WHEN HE KNEW THIS TERRIBLE THING WAS TO TAKE PLACE —GOT OUT ON THE SIDE</p>	<p>INTRODUCTION OF OUR FRIEND MR. JOHNSON. NOW THEN NEXT = NEXT MORNING LEE TOLD HIM TO GO DOWN HE GOES DOWN TO THE MEADOWS. WENT DIRECTLY ON THE MEADOWS WENT DOWN WHERE THEY WERE AT THE TIME ENCAMPED WHEN HE REACHES THAT CAMP A FEW MEN WENT UP WHEN THERE WAS A COUNCIL DO YOU RECOLLECT THAT GENTLEMEN HE WENT UP WHERE THERE WAS A COUNCIL AND HE AFTERWARDS ADMITTED THAT LEE CRIED THERE [space] LEE MUST HAVE BEEN EXACTLY WHAT THE INDIANS SAID HE WAS AND LEE CRIED THERE BUT HE CAME BACK AND HE KNEW BEFORE HIS HORSE WAS LOST MARK YOU HE KNEW BEFORE HIS HORSE WAS LOST THAT THESE MEN WERE TO BE KILLED. HE COULD NOT TELL YOU THE NAME OF ANYBODY ELSE BUT HAIGHT AND HIGBEE THAT WERE THERE YET HE ADMITS THERE WAS A NUMBER I AM SPEAKING OF THIS JUST TO SHOW YOU THAT THIS MAN HAS EXPRESSED A PORTION OF THE TRUTH<sup>742</sup> THEREFORE I SAY IS NOT A PERSON EXPRESSES THE TRUTH AND WHOLE TRUTH HE IS AS GUILTY OF PERJURY AS HE IS IF HE WILLFULLY LIED [space] THEN GENTLEMEN OF THE JURY HE LOSES HIS HORSE HE GOT OUT ON THE OUTSIDE TO HUNT HIS HORSE WHEN HE KNEW THIS TERRIBLE THING WAS TO TAKE PLACE [space] GOT OUT ON THE SIDE</p>
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742. Rogerson's hand symbol, in ink.

**BT**

**PS**

OF THE MOUNTAIN. MARK YOU, GENTLEMEN, HE WAS THREE HUNDRED YARDS AWAY AND HE SAW LEE SHOOT, AND THEN HE WAS LEE AND THE INDIANS PULL A MAN OUT OF THE WAGON, AND FROM THE MOTIONS HE THOUGHT HE WAS CUTTING HIS THROAT. THERE IS THE DISCRIPTION. HE DIDN'T GO ANY FURTHER BUT HE HEARS FIRING ALONG DOWN THE LINE BUT ~~CAN'T~~ **COULDN'T** SEE IT. UP ON THE MOUNTAIN WHERE HE COULD LOOK ALL OVER, HE HEARS THIS FIRING. WHETHER HE SAW IT OR NOT I AM NOT DISTINCT IN MY RECOLLECTION. THEN WHAT DOES HE DO?. MARK YOU, GENTLEMEN, HE RODE DOWN THE LINE BACK—BACK FROM THE WAGON. NOW, THEN HE WAS GOING AWAY FROM LEE. THAT WAS NOT THE CLOSEST WAY HOME ACCORDING TO THE EVIDENCE. HE LIVED NORTH; HE WAS GOING SOUTH. CURIOSITY MIGHT HAVE CAUSED THE MAN TO HAVE GON A GREAT MANY PLACES; BUT WE CAN'T HARDLY ATTRIBUTE THIS TO CURIOSITY HE RODE DOWN THERE <sup>[18]</sup> AND MR. LEE FOLLOWED HIM AND TOLD HIM — WHAT? TO WATCH THEM AND HE WENT DOWN AND CONTROLLED ALL THOSE INDIANS, AND ONLY PERMITTED THEM TO TAKE THE PLUNDER THEY HAD ALREADY GOT. NOW, GENTLEMEN, IF THAT MAN HAD RAISED A VOICE, & SAID I WILL NOT BE A PARTICIPANT IN THIS; HAD HE SAID I PROTEST AGAINST THIS; I DON'T DESIRE THE

OF THE MOUNTAIN. MARK YOU GENTLEMEN HE WAS 300 YARDS AWAY AND HE SAW LEE SHOOT, THEN HE SAW THE INDIANS AND LEE PULL A MAN OUT AND FROM THE MOTION HE THOUGHT ~~THEY WERE~~ HE WAS CUTTING HIS THROAT THERE IS THE DESCRIPTION HE SAYS HE DIDN'T GO ANY FURTHER BUT HE HEARS FIRING ALONG DOWN THE LINE BUT CAN'T SEE MUCH UP ON THE MOUNTAINS WHERE HE COULD LOOK ALL OVER HE HEARS THIS FIRING <sup>[[42]]</sup> WHETHER HE SAW IT OR NOT I AM NOT DISTINCT IN MY RECOLLECTION. THEN WHAT DOES HE DO MARK YOU GENTLEMEN HE RODE DOWN THE LINE BACK BACK FROM THE WAGON. NOW THEN HE WAS GOING THEN AWAY FROM LEE THAT WAS NOT HIS CLOSEST WAY HOME {AND}<sup>i</sup> ACCORDING TO THE EVIDENCE HE LIVED NORTH HE WAS GOING SOUTH CURIOSITY MIGHT HAVE LEAD A MAN TO HAVE GONE A GREAT MANY PLACES BUT WE CAN HARDLY ATTRIBUTE THIS TO CURIOSITY HE RODE DOWN THERE AND MR. LEE FOLLOWED HIM AND TOLD HIM WHAT TO DO TO WATCH THEM AND HE WENT DOWN AND CONTROLLED ALL THOSE INDIANS AND ONLY PERMITTED THEM TO TAKE THE PLUNDER THAT THEY HAD ALREADY GOT NOW GENTLEMEN OF THE JURY IF THAT MAN HAD RAISED HIS VOICE HAD HE SAID I WILL NOT BE A PARTICIPANT IN THIS HAD HE SAID I PROTEST AGAINST THIS I DON'T DESIRE THE

**BT**

**PS**

BLOOD OF ANY AMMAN ON MY HANDS; AND I WILL NOT PERMIT YOU IF I CAN ~~HELP~~ POSSIBLY CONTROLL IT—I AM NOT , I WILL NOT PERMIT YOU TO SPILL THESE MEN’S BLOOD-; THEN HE WOULD NOT HAVE BENEN ASSOCIATED IN THE CRIME. IT IS FUNNY FOR HIM TO LOOSE HIS HORSES JUST AT THAT TIME. WHERE HE HAD HITCHED HIM, HOW HE HAD HITCHED ~~HIM~~ THAT HORSE—WHAT HE FASTENED HIM TO REMAINS A MISTERY TO US.

NOW, MARK YOU, GENTLEMEN OF THE JURY, THAT MAN DIDN’’T KNOW ANϣYONE UPON THE FIELD BUT LEE, HAIGHT, HIGBEE AND THOSE OTHER FELLOWS WHO ARE DEAD OR RUN AWAY, AND KLINGENSMITH. THEN , GENTLEMEN OF THE JURY, SO MUCH FOR THAT PART OF THE ~~OF THE~~ TESTIMONY . NOW, RIGHT IN CONNECTION WITH THIS HE ~~3~~ WAS WILLING TO DIE FOR THE NEXT EMIGRANT TRAIN THAT WENT THROUGH; WHILE THE INDIANS STOLE THEIR STOCK, AND HE WAS THERE FOR THE ~~Ϡ~~ PURPOSE OF PROTECTING AND GETTING THEM THROUGH SAFELY. KNIGHT MAY BE AZS TRUTHFUL A MAN AS EVER WAS PUT UPON A WITNESS STAND; BUT I SAY ACCORDING TO HIS OWN TESTIMONY IN THIS CASE HE IS UNWORTHY OF BELIEF.. THIS IS ALL I CLAIM, GENTLEMEN. NOW, THEN, WE COME TO MR, HAMBLIN.

BLOOD OF ANY MAN ON MY HANDS AND I WILL NOT PERMIT YOU IF I CAN POSSIBLY CONTROL IT I WILL NOT<sup>743</sup> I WILL NOT PERMIT YOU TO SPILL THESE MEN’S BLOOD THEN HE WOULD NOT HAVE BEEN AN ASSOCIATE IN THE CRIME. BUT IT IS CONVENIENT FOR HIM TO LOSE HIS HORSE JUST AT THAT TIME JUST WHERE HE HAD HITCHED HIM HOW HE HAD HITCHED THAT HORSE WHAT HE HAD FASTENED HIM TO REMAINS A MYSTERY TO US AND I HAVE ONLY KNOWN HORSES SO FAR AS I KNOW.

NOW MARK YOU GENTLEMEN OF THE JURY THAT MAN DIDN’’T KNOW ANYONE UPON THAT FIELD BUT LEE HAIGHT AND HIGBEE AND THOSE OTHER FELLOWS WHO ARE DEAD OR RAN AWAY- ~~AND~~ KLINGEN SMITH. THEN GENTLEMEN OF THE JURY SO MUCH FOR THAT PART OF THE TESTIMONY. NOW RIGHT IN CONNECTION WITH THIS HE WAS WILLING TO DIE FOR THE NEXT EMIGRANT TRAIN THAT WENT THROUGH STILL THE INDIANS STOLE THE STOCK AND HE WAS THERE FOR THE PURPOSE OF INTERPRETER TO GET THEM THROUGH SAFELY [space] KNIGHT MAY BE AS TRUTHFUL A MAN AS EVER WAS PUT [corner torn] <sup>[[43]]</sup> UPON A WITNESS STAND BUT I SAY ACCORDING TO HIS OWN TESTIMONY IN THIS CASE HE IS UNWORTHY OF BELIEF. THIS IS ALL I CLAIM GENTLEMEN. NOW THEN WE COME TO MR. HAMBLIN.

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743. “I WILL NOT” is possibly crossed out.

**BT**

**PS**

<p>HAMBLIN, IT APPEARS WAS NOT PRESENT. HE WAS NOT, I THINK AT THE TIME THIS OCCURRED. I HAVE NO DOUBT IN THE WORLD BUT WHAT MR. HAMBLIN IS A TRUTHFUL MAN; BUT RECOLLECT, GENTLEMEN 19 <del>YEARS</del> LONG YEARS HAVE PASSE<del>D</del> OVER THIS BLOODY SCENE—19 YEARS HAVE PASSED SINCE THIS CONVERASATION <del>PASSED</del> TOOK PLACE;. AND MR. HAMBLIN IT SEEMS WAS HONEST ENOUGH TO STATE IN CONNECFION WITH HIS TESTIMONY THAT HE COULD NOT RELATE IT ALL, AND THAT HE DIDN'T PRETEND TO. THEN, GENTLEMEN OF THE JURY, THE RULE APPLIES THAT I SPOKE OF: ALL THIS TESTIMONY, THEN, MUST BE TAKEN BY <sup>[[19]]</sup>744 YOU JURORS WITH VERY GREAT RELUCTANCE. FOR AS I SAID BEFORE, I DON'T BELIEVE THE MSAN LIVES, OR THAT THERE IS A MAN WITHIN MY HEZARING THAT CAN TELL ERVERY WORD AOR GOVE THE SAME FACE TO ANY CONVERSATION THEY HAVE HEARD WITHIN THE LAST YEAR.</p> <p>THEN, GENTLEMEN OF THE JURY, IN CONNECTON WITH THIS CONVERSATION, WHAT DOES HE SATY? I WANT NO STRONGER VINDIACATION OF LEE THAN I FØIND IN DIFFERENT PARTS OF HAMBLINS TESTIMON-Y. I INTEND TO REFER TO SOME THINGS IN MR. HAMBLINS TESTIMONY AND THEN I SHALL COMMENT A LITTLE ON MR. HAMBLIN HIMSELF.</p>	<p>HAMBLIN IT APPEARS WAS NOT PRESENT HE WAS NOT <i>I THINK</i>[?] AT THE TIME THIS OCCURRED I HAVE NO DOUBT IN THE WORLD BUT MR. HAMBLIN IS TRUTHFUL OR INTENDS TO BE A TRUTHFUL MAN BUT RECOLLECT GENTLEMEN 19 LONG YEARS HAS PASSED OVER THIS BLOODY SCENE 19 YEARS HAVE PASSED SINCE THIS CONVERSATION TOOK PLACE AND MR. HAMBLIN SEEMS WAS HONEST ENOUGH TO STATE IN CONNECTION WITH HIS TESTIMONY THAT HE COULD NOT RELATE IT ALL AND THAT HE DIDN'T PRETEND TO. THEN GENTLEMEN OF THE JURY THE RULE APPLIES THAT I SPOKE. ALL THIS TESTIMONY THEN MUST BE TAKEN BY YOU JURORS WITH VERY GRAIN OF ALLOWANCE FOR AS I HAVE SAID BEFORE I DON'T BELIEVE THE MAN LIVES OR THAT THERE IS A MAN WITHIN MY HEARING THAT CAN TELL EVERY WORD OR GIVE THE SAME FACE TO ANY CONVERSATION THEY HAVE HEARD WITHIN THE LAST YEAR AND I THINK IT TRIPLES BY EVERY OTHER YEAR THEN GENTLEMEN OF THE JURY IN CONNECTION WITH THIS CONVERSATION WHAT DOES HE SAY [<i>space</i>] I WANT NO STRONGER VINDICATION OF LEE THAN I FIND IN DIFFERENT PARTS OF MR. HAMBLIN'S TESTIMONY. I INTEND TO REFER TO SOME THINGS <del>IN</del> OF MR. HAMBLIN'S TESTIMONY- AND THEN I WISH TO COMMENT A LITTLE UPON MR. HAMBLIN.</p>
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744. This page is misnumbered as 20; page 19 was skipped. All of the page numbers that follow continue to be off by one through the end of this book.

**BT**

**PS**

HE SAYS HE TOLD HIM HE HAD ORDERS TO DO IT, AND SOMEHOW THEY GOT THEM OUT BY SMITH OR HIGBEE, THAT IS THERE SURE. HE SAID HE HAD ORDERS TO DO THIS DEED. NOW GENTLEMEN, IF THERE WERE ORDERS GIVEN THERE IS SOMEBODY RESPONSIBLE FOR ~~THEM~~ THOSE ORDERS. JUST FOR INSTANCE ORDERS GIVEN TO MURDER A MAN ~~IN~~ WHO IS IN PRISON. THE MAN WHO COMMITTED IT AND BELIEVED HE WAS DOING ~~RO~~RIGHT IS NOT RESPONSIBLE; BUT HOWEVER THAT M~~A~~Y BE, WHERE EVER THEY MIGHT HAVE COME FR~~Q~~OM, SHOWS A REA~~W~~SON——SHOWS NO MALICE, SHOWS NO EVIL INTENT HERE ON THE ~~OP~~ART OF JOHN D<sup>2</sup>. LEE TO COMMIT THIS CRIME. NOW, THEN, MR. HAMBLIN HAS SAID A GREZAT DEAL IN REFERENCE TO THAT MATTER; BUT I WILL PASS IT OVER AND LEAVE IT TO MY ASSOCIATES. HE SAYS HE NEVER MENTIONED IT IN ANY COURT OR ANYWHERE ELSE WITH THE EXCEPTION OF BRIGHAM YOUN~~F~~G AND GEORGE A. SMITH. AND THEY~~N~~TOLD HIM TO KEEP IT TO HIMSELF UNTIL THE PROPER TIME CAME,; AND THIS WAS THE PROPER TIME. THAT SHOWS, GENTLEMEN OF THE JURY, THIS: THAT UNTIL ~~THIS~~ THIS TIME, A PROPER TIME HAD HAD NOT ARRIVED FOR HIM TO TELL IT, IN HIS ESTIMATION. WHILE ON THE OTHER HAND, THE LAW FOR INSTANCE REQUIRED HIM TO GIVE

HE SAYS HE TOLD HIM HE HAD ORDERS TO DO IT [*space*] AND/THE[?] COUNSEL/COUNCIL[?] HOW THEY WOULD GET THEM OUT BY SMITH OR HIGBEE THAT IS A VERY SHORT SYNOPSIS OF IT HE SAID HE HAD ORDERS TO COMMIT THIS DEED [*space*] NOW GENTLEMEN OF THE JURY [*space*] IF THERE WERE ORDERS GIVEN THERE IS SOMEBODY RESPONSIBLE FOR THOSE ORDERS JUST AS FOR INSTANCE ORDERS GIVEN TO MURDER A MAN IN A PRISON THE MAN <sup>[[44]]</sup> AND WHO DID IT AND BELIEVED HE WAS DOING RIGHT IS NOT RESPONSIBLE BUT HOWEVER THAT MAY BE THESE ORDERS WHEREVER THEY MAY HAVE COME FROM SHOWS THE REASON SHOWS NO MALICE SHOWS NO EVIL HERE ON THE PART OF JOHN D. LEE TO COMMIT THIS CRIME. NOW THEN MR. HAMBLIN HAS SAID A GREAT DEAL IN REFERENCE TO THAT MATTER BUT I WILL PASS THAT OVER AND LEAVE IT TO MY ASSOCIATES [*space*] HE SAYS HE NEVER MENTIONED IT IN COURT OR ANYWHERE ELSE ~~FOR~~ HE WAS TOLD~~⇒~~ WITH THE EXCEPTION OF BRIGHAM YOUNG AND GEORGE A SMITH THEY TOLD HIM TO KEEP IT TO HIMSELF UNTIL THE PROPER TIME AND THIS WAS THE PROPER TIME THAT SHOWS GENTLEMEN OF THE JURY THIS THAT UNTIL THAT IS TIME THE PROPER TIME HAD HAD NOT ARRIVED FOR HIM TO TELL IT IN HIS ESTIMATION. WHILE ON THE OTHER HAND THE LAW FOR INSTANCE REQUIRED HIM TO GIVE

**BT**

**PS**

INFORMATION, AND BY THE NEAREST METHODS. NOW, THERE IS ANOTHER PART OF THIS CONVERSATION THAT I SHALL REFER TO. HE TESTIFIED AT THAT LEE AT THAT TIME TOLD HIM THAT HIS BROTHER WAS PRESENT AT THIS MASSACRE—HOW HE HAD BROUGHT UP THE CLARA INDIANS.

NOW, THERE, RIGHT UPON THAT <sup>[[20]]</sup> POINT WE MAY INFER THIS: THAT THERE WAS SOME INCLINATION ON HIS PART AT LEAST NOT TO BRING EVERYTHING FORTH BEFORE THE PUBLIC WHAT HIS BROTHER HAD DONE. THAT MIGHT BE WHY HE DIDN'T GIVE ANY INFORMATION BEFORE. NOW, THEN, GENTLEMEN OF THE JURY, THERE IS ANOTHER THING ABOUT IT—NO CORROBORATION. IT IS CLAIMED THAT HAMBLIN CORROBORATES THE TESTIMONY OF EVERY ONE OF THOSE PARTIES THAT WERE PRESENT. I SAY IT IS NOT A FACT. I WILL PROVE THAT TO YOU. . HAMBLIN SAYS THAT LEE TOLD HIM THAT THE NEXT DAY AFTER THE MASSACRE THE INDIAN CHIEF BROUGHT IN TWO GIRLS,; THAT HE CUT ONE'S THROAT AND THAT THE OTHER WAS KILLED BY THE INDIAN CHIEF. NOW, THEN, GENTLEMEN OF THE JURY, SHOW ME ONE PARTICLE OF EVIDENCE THAT IS CORROBORATED—THAT THAT CORROBORATES. IF THAT IS NOT

INFORMATION AT ONCE AND TO THE NEAREST —[?]. NOW THERE IS ANOTHER PART OF THIS CONVERSATION THAT I WISH TO REFER TO. HE TESTIFIES THAT LEE AT THAT TIME TOLD HIM THAT HIS BROTHER WAS PRESENT AT THIS MASSACRE HOW HE HAD BROUGHT UP THE CLARA INDIANS BUT HE SAYS AT THE SAME TIME THAT LEE TOLD HIM THAT HE WAS NOT IN THE MASSACRE HIMSELF BUT HAD BROUGHT UP THE INDIANS  
NOW THERE RIGHT ON THAT POINT WE MAY INFER THIS THAT THERE WAS SOME INCLINATION ON HIS PART AT LEAST NOT TO BRING FORTH BEFORE THE PUBLIC WHAT HIS BROTHER HAD DONE. THAT MAY BE ONE REASON WHY HE DIDN'T ~~[[2]]~~ GIVE ANY INFORMATION BEFORE. NOW THEN GENTLEMEN OF THE JURY THERE IS ANOTHER THING ABOUT IT NO CORROBORATION. IT IS CLAIMED THAT HAMBLIN CORROBORATES THE TESTIMONY OF EVERY ONE OF THOSE PARTIES THAT WERE PRESENT I SAY SUCH ISN'T THE FACT AND I WILL PROVE THAT TO YOU HAMBLIN SAYS LEE TOLD HIM THAT THE *NEXT DAY*[?] AFTER THE MASSACRE THE INDIAN CHIEF BROUGHT IN 2 GIRLS THAT HE CUT ONE'S THROAT AND THAT THE OTHER WAS KILLED BY THE INDIAN CHIEF. NOW THEN GENTLEMEN OF THE JURY SHOW ME ONE <sup>[[45]]</sup> PARTICLE OF TESTIMONY THAT HAS CORROBORATED THAT THAT CORROBORATES. IF THAT IS NOT



**BT**

**PS**

A CONTRADICTION OF EVERY ONE OF THE WITNESSES THAT WERE PLACED UPON THE STAND THEN I MISS MY GUESS. YOU RECOLLECT THEY ALL TESTIFIED THAT JOHN D. LEE, AS QUICK AS THE MASSACRE WAS OVER STZARTED BACK FOR CEDAR CITY—

HAMBLINS RANCH, I MEAN —AND THEN THEY WENT ON THE NEXT DAY. —I AM CORRECT IN THAT. AT ALL EVENTS THE TESTIMONY SHOWS THAT HE NEVER WENT BACK UPON THE MEADOWS AFTER THE DAY THAT THIS FEARFUL SECENE OCCURS. THEN HE IS CONTRADICTED BY EVERY WITNESS THAT TESTIFIED UPON THAT POINT, AND CORROBERARES NONE OF THEM; BECAUCE IT IS A DIFFERENT TRZAANSACTION. THE KILLING OF 120 TODAY —SYHOOTING THEM DOWN AND MURDERING THEM—THE COMMISSION THAT HE LKILLED TWO TO-MORROW IS NO CORROBERATION OF THE STATEMENT THAT THAT-NUMBER WAS KILLED TO DAY. THEN HAMBLIN CORROBERATES NO BODY. HE DON;'T GO SO FAR AS TO SHOW EVEN IN HIS DIRECT TESTIMONY THAT LEE TOLD HIM ONE IOTA ABOUT ANUYTHING EXCEPT THAT THESE MEN WERE KILLED. HE DOES NOT SAY WHO DID IT. HAMBLIN DOES NOT SAY THAT LEE DID DID THIS KILLING, NOR PARTICIPARED IN IT; BUT HE SAYS HE WAS ORDERED. THIS IS THE EXTENT, I THINK IOF HIS

A CONTRADICTION OF EVERY ONE OF THE WITNESSES THAT WERE PLACED UPON THE STAND THEN I LOOSE MY CASE. YOU RECOLLECT THEY ALL TESTIFIED THAT JOHN D. LEE AS QUICK AS THE MASSACRE WAS OVER STARTED BACK FOR CEDAR THAT HE WENT TO CEDAR AND THAT THE TEAMS DROVE ON TO CEDAR ~~

HAMBLIN'S RANCH I MEAN AND THEN THEY WENT ON THE NEXT DAY ~ I AM CORRECT IN THAT [space] AT ALL EVENTS THE TESTIMONY SHOWS THAT HE NEVER WENT BACK UPON THE MEADOWS AFTER THE DAY THAT THIS FEARFUL SCENE OCCURS THEN HE IS CONTRADICTED BY EVERY WITNESS THAT TESTIFIED UPON THAT POINT AND CORROBORATES NONE OF THEM BECAUSE IT IS ≪A≫ DIFFERENT TRANSACTION. THE KILLING OF 120 TO DAY —[?] SHOOTING THEM DOWN AND KILLING AND MURDERING THEM THE CONFESSON THAT HE KILLED TWO TOMORROW IS NO CORROBORATION OF THE STATEMENT THAT THAT NUMBER WAS KILLED TODAY. THEN HAMBLIN CORROBORATES NOBODY HE DIDN'T GO SO FAR AS TO SAY EVEN IN HIS DIRECT TESTIMONY THAT LEE TOLD HIM ONE IOTA ABOUT ANYTHING EXCEPT THAT THESE MEN WERE KILLED. HE DOES NOT SAY WHO DID IT. HAMBLIN DOES NOT SAY THAT LEE DID THIS KILLING NOR PARTICIPATED IN IT BUT HE SAYS IT WAS ORDERED. THIS IS THE EXTENT I THINK OF HIS

**BT**

**PS**

TESTIMONY.. THEN  
 GENTLEMEN OF [*page torn*]RY,  
 UNLESS THESE PARTIES  
 ARE CORROBERATED <sup>[[21]]</sup> BY OTHER  
 TESTIMONY, OF MEN WHO ARE  
 NOT ACCOMPLICES, THEY ARE NOT  
 TO BE BELIEVED;; AND THE RULE, IS  
 AS I HAVE STATED IT  
 BEFORE, YOU SHOULD DISREGARD  
 THEIR TESTIMONY. THEN,  
 GENTLEMEN, THERE IS ANOTHER  
 POINT, IF YOU BELIEVE FROM THE  
 TESTIMONY, THAT THIS ~~TESTIMONY~~  
~~OO~~MURDER WAS DONE UNDER  
 COMPULSION, THE GREATEST  
 VERDICT THAT YOU CAN BRING IS  
 EITHER MANSLAUGHTER OR  
 MURDER IN THE SECOND DEGREE.  
 I SAY, GENTLEMEN OF THE JURY,  
 THERE ARE MANY  
 CIRCUMSTANCES —AND  
 I THINK, GENTLEMEN OF THE JURY,  
 ANOTHER THING THAT IS NOT  
 PROVEN, BUT I THROW  
 THAT OUT AS SOMETHING YOU  
 MAY TAKE INTO CONSIDERATION,

THAT THERE IS NO  
 SUFFICIENT CORROBERATING  
 TESTIMONY TO ~~V~~CONVICT ~~THIS~~ THE  
 DEFENDANT IN THIS CASE. THEN,  
 GENTLEMEN OGF THE JURY, THIS  
 CASE SO FOAR AS I AM CONSERNED,  
 WILLMBE NOT A MOMENT BEFORE  
 YOU. I, FOR MY PART, AM  
 FIRMLY CONVINCED THAT THE  
 CASE IS NOT PROVEN AS AGAINST  
 MR. LEE, BY COMPETENT  
 TESTIMONY, AS MY FRIEND BISHOP  
 WOULD SAY CONTENDING FOR THE  
 REAL IDEA AND  
 CAUTIONING YOU AGAINST ANY  
 REFERENCE TO TAKING OF

TESTIMONY [*space*] THEN  
 GENTLEMEN OF THE JURY  
 UNLESS ~~THEY ARE~~ THESE PARTIES  
 ARE CORROBORATED BY  
 THE TESTIMONY OF MEN WHO ARE  
 NOT ACCOMPLICES THEY ARE NOT  
 TO BE BELIEVED AND THE RULE I  
 THINK IS AS I HAVE STATED IT  
 BEFORE YOU SHOULD DISREGARD  
 THEIR TESTIMONY [*space*] THEN  
 GENTLEMEN THERE IS ANOTHER  
 POINT IF YOU BELIEVE FROM THE  
 TESTIMONY THAT THIS  
 MURDER WAS DONE UNDER  
 COMPULSION THE GREATEST  
 VERDICT THAT YOU CAN BRING IS  
 EITHER MANSLAUGHTER OR  
 MURDER IN THE SECOND DEGREE.

[*space*] <sup>[[46]]</sup> I SAY  
 THERE ARE  
 MITIGATING CIRCUMSTANCES AND  
 I THINK GENTLEMEN OF THE JURY  
 ANOTHER THING THAT IT IS NOT  
 PROVEN BUT ~~I THINK~~ I THROW  
 THAT OUT AS SOMETHING YOU  
 MAY TAKE INTO CONSIDERATION  
 AS I HAVE YOU SHOULD AT THE  
 SAME TIME  
 THAT THERE IS NO  
 SUFFICIENT CORROBORATING  
 TESTIMONY TO CONVICT THE  
 DEFENDANT IN THIS CASE THEN  
 GENTLEMEN OF THE JURY THIS  
 CASE SO FOR AS I AM CONCERNED  
 WILL BE IN A MOMENT BEFORE  
 YOU [*space*] I FOR MY PART AM  
 FIRMLY CONVINCED THAT THE  
 CASE IS NOT PROVEN AS AGAINST  
 MR. LEE [*space*] BY COMPETENT  
 TESTIMONY AS MY FRIEND BISHOP  
 WOULD SAY CONTENDING FOR THE  
*RULE/REAL*[?] IDEA AND  
 CAUTIONING YOU AGAINST ANY  
 REFERENCE TO THE TAKING OF

**BT**

**PS**

<p>TESTIMONY OF PARTIES <del>WHO MAY</del> <del>HAVE BEEN</del> WHO MAY HAVE BEEN INTERESTED, OR WERE PARTIES TO THE THIS. TAKING THAT INTO CONSIDERATION I THINK <del>THAT</del> THE TESTIMONY IS INSUFFICIENT TO <del>TO</del> CONVICT THE PRISONER.<sup>745</sup></p>	<p>TESTIMONY OF PARTIES TO THE WEIGHING OF TESTIMONY WHO MUST HAVE BEEN INTERESTED OR WAS PARTIES TO THE DEED THEMSELVES. TAKING THAT INTO CONSIDERATION I THINK THE TESTIMONY IS INSUFFICIENT TO CONVICT THE PRISONER. [<i>space</i>]</p>
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745. This note is written in Cook's longhand: (**FOLLOWING THIS SPEECH CAME JUDGE SPICERS ADDRESS TO THE JURY, PART OF ~~WH~~ OF THE FIRST OF WHICH IS NOT REPORTED & THE REMAINDER IS SO ILLEGIBLE THAT IT IS IMPOSSIBLE TO MAKE AN INTELLIGENT TRANSCRIPT OF IT. W L COOK TRANSCRIBER,**)