

Lee has been cut off the Mormon Church, he says he is still a staunch Mormon. He believes that if a man has been guilty of nothing which would separate him from the Church he cannot be cut off," Dellenbaugh concluded.¹

¹ Frederick S. Dellenbaugh, manuscript "Diaries" at The New York Public Library. Entries relating to the author's stay at Lonely Dell occupy pages 149-54. More significant than these is a letter of July 11, 1872, to the *Buffalo Express*, a clipping pasted in the diary on pages 227 and 229.

In this letter, Dellenbaugh begins by saying that Lee "had one house at Lonely Dell and one at Jacob's Pools, 30 miles towards Kanab. At each place he has one of his wives. . . . Although John D. Lee has the reputation of a notorious villain, yet I saw nothing dangerous about him, and in fact, he treated us handsomely. . . .

"Lee spoke of the various accusations and publications which were in circulation against him; the persecutors driving him from place to place, and causing him to abandon home after home, until at last he had brought up in Lonely Dell. . . ."

Lee is then quoted as saying: "I will not be taken; as I would then be obliged to betray men who did the act through their great zeal in serving our church, and thought they were doing right. . . .

Dellenbaugh continues:

"The party of emigrants who met with the disaster swore and cursed through the streets of the settlements, saying, 'Where's your d---d Mormon biship,' etc., and it was with the greatest difficulty that the authorities of Spanish Fork withheld the people from killing them there; but they went on and arrived at Cedar City, cursing and swearing the same way which so roused the citizens that they held a council, and of this council Mr. Lee was a member. Meanwhile the emigrants poisoned the water of several springs, causing the death of two or three Indians. This enraged the other Indians, so that they began to attack the train.

"The council proceeded. Most of the councilors were in favor of putting the emigrants out of the road, by setting on the Indians, but, said Mr. Lee, 'I told them that instead of resulting in good it would result just as it has done, and had I at that time known the President's feelings upon the subject I should have opposed it even more strongly than I did. However I think they would have escaped unharmed could we have drawn the Indians off, but for the fact that two or three of them, I forget which, mounted their horses and attempted to escape one night; these were met by three of the opposite party, one of them killed and the two others driven back. Then the council resolved upon the plan they carried out. I wept like a child and would not consent to have anything to do with it, but pleaded for the women and children's lives. The Indians, although I offered to pay them for every life saved, would not promise to spare any but the children, and they called me Nah-gaats (cry-baby), a name by which I am known all through Utah tribe to the present day. . . .'

"The messenger rode from Beaver to Salt Lake in three days and a half. When Brigham Young heard the news he said: 'For God's sake stop it; take fresh horses and return immediately and do all in your power to prevent them from carrying

An Official Sacrifice

During the first years of his exile, Lee occasionally left his retreat to visit one or another of the wives who remained true to him through all his trouble. He felt quite secure, except that he felt keenly the changed attitude of his former associates. But with the passage of the Poland Bill in 1874, withdrawing criminal jurisdiction from the probate courts and arming the federal courts in Utah, his whole status changed. Now he was definitely hunted, a man with a price upon his head.

During a visit to his family in Panguitch, Utah, on November 7, 1874, he was taken into custody by William Stokes, deputy United States marshal. The trial was to be held at Beaver, but with the law's delay and the difficulty in securing witnesses, the case did not come into court until the following summer.

The court was presided over by Judge Jacob S. Boreman; the jury which was finally selected consisted of eight Mormons, three Gentiles, and one Jack Mormon. From the first it seemed that there was a difference in attitude among the attorneys for the defense, for while Spicer and Bishop seemed seriously trying for the acquittal of Lee and were willing that the Mormon leaders should be shown as issuing the orders which he obeyed as a man in the ranks, Sutherland's and Bates's chief concern seemed to be to have the inquiry stop with Lee and not involve anyone else, especially the church leaders. Thus they were often at cross-purposes with each other. The prosecution, while intent upon convicting Lee, was also eager to extend the guilt to others and to show that the whole thing was church inspired, with the guilt going all the way back to Brigham Young and his immediate subordinates. Trial began on Friday, July 23, 1875, with no Mormon in good standing present to give evidence.

The first witness was Robert Keyes, who testified that he had passed over the ground on October 2, 1857, some three weeks out their mistaken ideas.' But by the time the messenger returned the deed had been done.

"That is the story as Mr. Lee told it—a horrible affair, at the very best. Although Mr. Lee has been cut off from the Mormon Church, he says he is still a staunch Mormon. He believes that if a man has been guilty of nothing which would separate him from the Church he cannot be cut off."