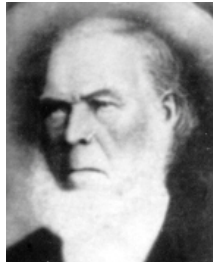



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## TESTIMONY IN TRIALS OF JOHN D. LEE



### LABAN MORRILL TESTIMONY

Witness for the Prosecution at Second Trial of John D. Lee  
September 14 to 20, 1876

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**Q:** Where do you reside?

**A:** Iron County, at what is called Fort Johnson.

**Q:** How long have you lived in the Territory?

**A:** Since 1852.

**Q:** Do you know the location of Mountain Meadows?

**A:** No, sir. I never was there.

**Q:** Where did you live in 1857?

**A:** I think I lived at Cedar City.

**Q:** How far is Cedar City from Beaver?

**A:** About thirty miles.

**Q:** Did you, in 1857, know anything about an emigrant train, known as the Arkansas emigrant train, passing through the Territory to Southern California, or starting to pass?

**A:** By report only.

**Q:** Did you have any thing to do as an officer or citizen, at Cedar City, with regard to the passage of those emigrants? If you did, state what you know about their passage, in your own way.

**A:** Merely by report, that there was a company come through Cedar City. I lived off at a place called Fort Johnson, six miles and a half. I was engaged at that time some little in seeing what was called the best locality, or what would do the best good for some three or four little places, Cedar City, Fort Johnson and Shirts' Creek. We had formed a kind of a custom to come together about once a week, to take into consideration what would be the best good for those three places. I happened on Sunday to come to Cedar City, as I usually came, and there seemed to be a council. We met together about four o'clock, as a general thing, on Sunday evening after service. I went into the council, and saw there was a little excitement in regard to something I did not understand. I went in at a rather late hour. I inquired of the rest what was the matter. They said a company had passed along toward Mountain Meadows. There were many threats given concerning this company.

**SPICER - for Defendant -** We object to these conversations, in which the witness has not shown that the defendant was present.

**HOWARD - for the People -** We expect to connect Mr. Lee with it in this way: We propose to show that at that council a report was made that the Indians had stopped this train of emigrants, or were about to stop them; and we propose to show further that at that time, in consequence of the condition of the country, it was claimed by some people that they should be held until a message could be sent to Salt Lake and their passage secured; that Mr. Morrill appeared there - others being in favor of stopping the emigrants, and perhaps doing more than that. Mr. Morrill appeared there and insisted that no interference should be had with them until orders came from Brigham Young - from headquarters - and at first insisting that they should be allowed to pass unmolested. That the Indians should not be allowed to molest them if it could be avoided. That

they should be prevented by all means from interfering with them. Mr. Morrill made several speeches to that council in favor of that proposition, and that finally an agreement was made that the emigrants should not be interfered with, and suspend all proceedings in regard to even stopping them until a message should come from Brigham Young. At that time Brigham Young was not only the President of the Church, but Governor of the Territory, and Indian Agent. We propose to follow it up by showing that an agreement was made and a messenger sent posthaste to Salt Lake. We propose to follow it up by showing that a messenger was sent to see that the Indians did not interfere with the emigrants. We propose to follow it up by showing that John D. Lee received that word. That that was the agreement of that council, and that he must not allow those emigrants to be interfered with. That he not only received that word, but that he made the remark that he had something to say about it. The man who carried the message was told that he had better get out of the way himself, or he would get hurt. There has been an effort made to show that others besides John D. Lee commenced this attack. We propose to show to this jury that the attack was made in defiance of the authorities. That they not only held the lives of those emigrants secure; were not only anxious that they should be allowed to pass, but that they should be protected from the Indians, in order to show their sincerity and do what was right in view of the circumstances, made a solemn agreement there among themselves that the emigrants should not be interfered with until a dispatch could be sent to Governor Young and returned. We propose to show that that dispatch was sent to Governor Young by that messenger, with instructions not to spare horseflesh, but to ride there day and night; that before this messenger returned, John D. Lee, in defiance of that council, massacred the emigrants.

SPICER - If the gentleman proposes to prove that Lee did anything contrary to the orders of the Church Council, we will withdraw our objections. But we know the prosecution will fail in the effort. Lee did nothing that was contrary to Council, and the fact is, he obeyed orders.

HOWARD - Mr. Morrill, the court directs that you state what was done at that Council?

A: As I said, there appeared to be some confusion in that Council. I inquired in a friendly way what was up. I was told that there was an emigrant train that passed along down to near Mountain Meadows, and that they had made threats in regard to us as a people - said they would destroy every d--d Mormon. There was an army coming on the south and north, and it created some little excitement. I made two or three replies in a kind of debate of measures that were taken into consideration, discussing the object, what method we thought best to take in regard to protecting the lives of the citizens. My objections were not coincided with. At last we touched upon the topic like this: We should still keep quiet, and a dispatch should be sent to Governor Young to know what would be the best course. The vote was unanimous. I considered it so. It seemed to be the understanding that on the coming morning, or next day, there should be a messenger dispatched. I took some pains to inquire and know if it would be sent in the morning. The papers were said to be made out, and Governor Young should be informed, and no hostile course pursued till his return. I returned back to Fort Johnson, feeling that all was well. About eight and forty hours before the messenger returned - business called me to Cedar City, and I learned that the job had been done, that is, the destruction of the emigrants had taken place. I can't give any further evidence on the subject at present.

Q: What was the name of the messenger sent to Salt Lake?

A: James Haslem.

Cross examination by W.W. BISHOP -

Q: You think that about forty-eight hours before the messenger returned from Salt Lake, you learned that the job was done, the people killed at Mountain Meadows. Do you mean by that, the killing that had been talked of at that Council?

A: I suppose it was, sir.

Q: Who was present at that Council that you recollect?

A: Mr. Smith.

Q: Give me the name of any there that you can call to mind?

A: I think Isaac C. Haight was there.

Q: Was John D. Lee present?

A: No, sir, not to my knowledge

Q: Did you see that messenger start to Brigham Young?

A: I did not.

Q: Did you see the message that he took to Brigham Young?

A: I did not.

Q: Did you ever read it?

A: I did not.

Q: Did you know, or have any knowledge that any written communication was given by the Council to anyone to carry to President Young?

A: The understanding of the Council was that one should be written out for him prior to his starting.

Q: Do you know of your own knowledge that one was written out?

A: I didn't see Mr. Haight, but he should have made it out in time. I didn't see the paper

Q: Then the understanding of the Council, as I take it, was this, that different parties presented different plans for having the people follow the emigrants; that after all this argument it was agreed by the parties there that a messenger should go to Brigham Young for instructions as to how the people should treat the emigrants in that train, and nothing should be done with those emigrants until that messenger returned?

A: That was the agreement - I understood it so.

Q: Who else did they agree to send a messenger to?

A: I heard of no other but Governor Young. That was my proposition.

**Q: Then you never heard of a messenger being sent to any other place, or to any other party, from that Council?**

**A: No, I did not pay any attention to any other point, or what was considered; only the one point that a messenger should go to President Young.**

**Redirect by HOWARD –**

**Q: Did you understand that a messenger was to be sent down to John D. Lee?**

**A: I did, but I did not see him start. I understood that at the same time a messenger was to be sent.**

**Q: What did you understand?**

**A: I understood that there was to be word sent down towards Pinto Creek.**

**Q: For what purpose?**

**A: To have the thing stayed according to contract, to agreement made.**

**Q: What do you mean by the thing being stayed? Was the massacre of that emigrant train discussed there at all?**

**A: It was, sir; and some were in favor of it, and some were not.**

**Q: Who were they?**

**A: Bishop Smith, I considered, was the hardest man I had to contend with.**

**Q: Who else spoke about it?**

**A: Isaac Haight and one or two others. I recollect my companions more than anyone else.**

**Q: They were very anxious and rabid were they not?**

**A: They seemed to think it would be best to kill the emigrants. Some of the emigrants swore that they had killed old Joseph Smith; there was quite a little excitement there.**

**Q: You have given us the names of two who were in favor of killing those emigrants - who were the others?**

**A: Those were my companions, Isaac C. Haight and Klingensmith. I recollect no others.**

**Q: You remember that council, and the agreement that they would not do anything until word came back from President Young?**

**A: Yes, sir.**

**Q: Although you didn't see either of those messengers start, you understood messengers were sent each way.**

**A: Yes, sir; to stay the opposition until that messenger returned.**

**Re-cross examination –**

**Q: You say you understood a messenger was to be sent to Pinto Creek. Did John D. Lee live at Pinto Creek?**

**A: He lived at Harmony.**

**Q: Was it mentioned in that Council that a messenger was to be sent to Pinto Creek to stay the thing until the other messenger got back?**

**A: Understand me, there was nothing said in that Council in regard to Pinto, only that the thing should be stayed. They took such measures to stay it as they thought proper. After the messenger, Mr. Haslem, returned I asked Mr. Haight about it, and he said he had sent word to let them pass, of course. That was the end of my experience in regard to it.**

**HOWARD-**

**Q: Where did John D. Lee live at that time?**

**A: He lived at Harmony.**

**Q: How far is Harmony from Pinto Creek?**

**A: I don't know.**

**Q: What was his position at that time?**

**A: He was a man of some influence among the Indians, and also held a position in the military.**

**Q: Was he not Indian Farmer?**

**A: I think he had done something towards it. One thing I passed over at that Council; I inquired by what authority they were doing it, and they said by their own authority. Says I, has Dame got a letter here; is there anything from Mr. Dame of Parowan? They said no. I demanded a written letter or order from him before I would act; they said they had none.**

