THE CHURCH ABSOLVED.

If Mr. District Attorney Howard is correct in his very positive declaration that John D. Lee plotted the massacre of the Arkansas emigrants, "without any authority from council or officer, but in *direct opposition* to the feelings and wishes of the officers of the Mormon Church," it will be interesting to trace the efforts made by the ecclesiastical authorities to bring the wholesale assassin to justice and to clear their skirts of any suspected complicity in the appalling crime. We have already learned by testimony elicited at the former trial of this human butcher that two or three weeks subsequent to the tragedy a full report of the occurrence was carried to Brigham by three of the guilty perpetrators, Klingensmith, Higbee and Lee, but this tender-hearted bandit chief was so painfully affected with the recital that he refused to listen to the whole story, and bade his visitors not tell of the inhuman butchery—not talk of it even among themselves. And so paralyzed was this chief official of the Territory that he did not order the property of the slaughtered company to be gathered up and sold for the benefit of the surviving children, but by entire inaction allowed the treacherous assassins, who had steeped their hands in innocent blood, to divide the rich spoil among themselves.

But shortly afterward, the Prophet Brigham changed his views in regard to the character of the bloody deed, for we find him in Seventies Hall, justifying the slaughter of the emigrants, and denouncing them as the Lord's enemies. Yet to prevent scandal and unpleasant inquiry, it was given out that the Indians had done the deed, and we hear of a trusty emissary being sent from Salt Lake to gather up every evidence of the crime and destroy it, so that all future investigation might be prosecuted to no purpose.

But murder will out and proclaim its foul presence in the ears of men with miraculous organs. It became bruited abroad that white men had had a hand in the deed, and when Judge Cradlebaugh held court in Provo in March, 1859, eighteen months after the foul massacre, in his charge to the Grand Jury, his Honor dwelt at some length up the tragedy, gave many valid reasons for believing that white men had participated in it, and urged a diligent and honest quest into the dread mystery. But, notwithstanding Mr. Howard's important discovery that Lee was the arch assassin and that he "used up" his victims "in direct opposition to the feelings and wishes of the officers of the Mormon Church," at Judge Cradlebaugh's court, every vexatious expedient was placed in the way of his transacting business, and after two weeks' conflict with the local authorities, his Honor adjourned court, being fully convinced that his sitting in judement was a dreary farce. From the *Deseret News* of that date we transcribe the following:

While the Judge was delivering his charge to the Grand Jury, at the opening of the Court, in the house which had been procured by the county court of Utah county, the United States Marshal having made no provision therefor, a detachment of United States infantry from Camp Floyd, about one hundred in number, under command of Capt. Heath, entered and encamped upon adjoining grounds, belonging to the corporation of the city of Provo, without permission and to the astonishment of the people, who were not a little surprised at the military occupation of their city.

This raised a terrible hubbub. Two days thereafter a petition bearing five hundred names was presented to the city council, requesting that august body to order the removal of the troops. R. K. Bullock, mayor of Provo, who had just been charged by Mrs. Parrish with being accessory to the Parrish and Potter murders, was prompt in petitioning the Judge, in behalf of himself and the city council to cause the immediate removal of the soldiers; and petitions from all parts of the county poured in urging his Honor to dismiss his military guard, as they regarded "a military despotism the most dangerous of all conceivable forms of government." To this turmoil Judge Cradlebaugh gave no heed, merely telling his petitioners in reply, that the presence of the soldiers was a matter of necessity. A number of prisoners were to be tried, for whose safe keeping no provision had been made, and board for the same could not be procured of the civil authorities. The military commander had kindly furnished safe custody for the prisoners and food for their support, and while need existed for the presence of the troops his Honor expressed his determination to retain them.

The court held in session two weeks, and several cases were tried, but constant wrangling about the functions of the ministerial officers of the court, the difficulty of obtaining witnesses, and the active hostility of the entire community to the administration of justice, rendered all proceedings nugatory. The Grand Jury would find no indictments, except against Indians and a few Gentiles for minor offences, notwithstanding they were frequently called into court and instructed in their duty. Finding that the attempt to execute the laws was a solemn mockery the Judge discharged the Grand Jury and closed his court. A few passages from his Honor's remarks on discharging the Grand Jury are worthy of reproduction here. We extract as follows:

* * The Court took the unusual course of calling your attention to particular crimes—the horrible massacre at the Mountain Meadows. It told you of the murder of young Jones and his mother, and of pulling their house down over them and making that their tomb; it told you of the murder of the Parrishes, and Potter, and Forbes, almost within sight of this court house. It took occasion to call names for the purpose of directing your particular attention to those crimes—the fact that they have been committed is notorious

The Court has had occasion to issue bench warrants to arrest persons connected with the Parrish murder, has had them brought before it and examined; the testimony presents an unparalleled condition of affairs. It seems that the whole community were engaged in committing that crime. Facts go to show it. There seems to be a combined effort on the part of the community to screen the murderers from the punishment due them for the murder they have committed.

I might call your attention to the fact that when officers seek to arrest persons accused of crimes, they are not able to do so; the parties are screened and secreted by the community. Scarcely had the officers arrived in sight of the town of Springville before a trumpet was sounded from the walls around the town. This, no doubt, was for the purpose of giving the alarm. The officers were there to make arrests. The officers leave the town, and in a short time a trumpet sounds again from the wall for the purpose of announcing that the danger is over. Witnesses are screened, others are intimidated by persons in that community.

An officer of the Court goes to Springville, meets the bishop of the town, asks him about a certain man for whom he has a writ, he having understood that the man was scribe in the bishop's office. The bishop tells the officer that he has gone to Camp Floyd, while the fact is, the person whom the officer desires to find is at the time within sight in the street. We have here a bishop lying to prevent the service of a process of this Court, and aiding in preventing criminals being brought to punishment.

* * Such acts and conduct go to show that the community there do not desire to have criminals punished; it shows that the Parrishes and Potter were murdered by connsel, that it was done by authority; the testimony goes to show that the persons engaged in committing these murders are officers in that community, policemen, and that they have since been promoted for committing these hellish crimes.

* * By legislation we have no means of paying witnesses jurors, or other officers of the court. It would seem that the whole of the legislation of this Territory was to prevent the due administration of justice * * If it is expected that this Court is to be used by this community as a means of protecting it against the peccadilloes of Gentiles and Indians, unless this community will punish its own members, such expectation will not be realized. It can be used for no such purpose,

Before the court was convened, Brigham Young assailed Judge Cradlebaugh with his choicest vituperation, for the purpose of destroying his influence and to bring his tribunal into contempt. The second day of the session Mr. Blair presented himself claiming, as Attorney General, to divide the prosecution of cases with the United States District Attorney. Next a remonstrance was presented to the Governor (Alfred Cumming) setting forth that the Judge was holding court without authority of law, and complaining of him having surrounded himself with bayonets, and employing Federal troops to execute the orders of his court. So timid and half-hearted an Executive was easily bamboozled, and his Excellency weakly ordered the removal of the troops. No wonder that the Judge, goaded beyond endurance, should seek some relief to his feelings by making the following entry on the minutes of the Court:

The Court has sought diligently and faithfully to do its duty, to administer the laws of the United States and of this Territory. It could have no other object. But at every turn it has had to encounter difficulties and embarrassments. Men high in authority in the Mormon Church, as well as men holding civil authority under the Territorial government, seem to have conspired to obstruct the course of public justice, and to cripple the earnest efforts of the Court.

The whole community presents an united and organized opposition to the proper administration of justice; every art and every expedient have been employed to cover up and conceal crimes committed by Mormons. Witnesses have been prevented by threats of violence from obeying the summons of this Court; others that have testified have been driven to seek safety in the protection of the United States troops stationed near here, and, it is proper to say, are here on the requisition of the Court, and for whose presence the Court is responsible. The absolute necessity of having these troops here has been fully demonstrated by all that has transpired during the session of the Court.

To crown all, the Grand Jury, sworn to perform a high public duty, has lent itself as a willing instrument to this organized opposition to the laws of the country and refuses to meet its obligations. A willing inclination has been manifested to prosecute Indians and other persons, not Mormons, for their offences, while Mormon murderers and thieves are allowed to go unpunished.

The Court determined, as its action is manifests, that it did not intend to be used by this community for its protection alone, but that it will do justice to all, or it will do nothing. Not being able to do this, this Court now adjourns without day

JNO. CRADLEBAUGH,
Associate Justice.

So outspoken a judge must have been a very undesirable person to the ecclesiastical authorities in Utah, and hence they set to work heartily to procure his removal. Some doughface traveling through the Territory, who allowed himself to be captured by the everlasting fellows—or the writer might be that disguised Mormon, Colonel Kane—wrote as follows to the Philadelphia *Ledger*:

The proper kind of Judges in Utah Territory, can do any thing under the majesty of the law, which can be done in any other part of the Union; there is no necessity for surrounding the Court House with troops, as such a proceeding has an ugly look and may form a bad precedent. The fierce partisan spirit shown by the Judges in Utah proves that they are not the kind of persons likely to promote peace, or to secure justice to all classes.

Judge Cradlebaugh's action was made the subject of discussion at a Cabinet meeting, (like Judge Boreman's affirmation of Judge McKean's alimony award,) and the following was the upshot of the deliberation, as given in a letter or rescript from Attorney General Black to the Utah Judges:

On the whole, the President is very decidedly of the opinion,

I. That the Governor of the Territory alone has the power to have a requisition upon the Commanding General for the whole or part of the army.

II. That there was no apparent occasion for the presence of troops in Provo.

III. That if a rescue of the prisoners in custody had been attempted, it would have been the duty of the Marshal, and not of the Judge, to summon the force which might be necessary to prevent it.

IV. That the troops ought not to have been sent to Provo without the concurrence of the Governor, nor kept there against his remonstrance.

Mormon diplomacy won, of course. In the Washington correspondence of the New York *Herald*, April 18th, 1859, we find the following statement:

The State department has received dispatches from Utah, confirmatory of the news received by telegraph from St. Louis, that there is a conflict between the Federal and judicial officers. The Administration here will sustain Governor Cumming throughout in his endeavors to preserve order, for they have unlimited confidence in his administrative ability. Judge Cradlebaugh's conduct is disapproved, and he will be immediately recalled.

If Mr. Howard's very positive declaration is true, (and he ought not to be mistaken, for he says he has devoted the three best months of his life to investigating the matter,) that the convict Lee compassed and consummated the Mountain Meadows Massacre, "in direct opposition to the feelings and wishes of the officers of the Mormon Church," does it not strike the reader as strange that Brigham should publicly justify and approve the fiendish act, that he should allow the wholesale butcher to sit in the Legislature, and that he and all his followers should join in defeating the efforts of a Federal Judge to properly investigate the case, and take such mortal offence at this faithful performance of duty, as to procure the judge's removal from office? When Mr. Howard agreed to absolve the Mormon Church from complicity in the crime as a condition of the conviction of Lee, he could not have fully estimated the enormity of the lie he was required to proclaim to the world, nor have reflected that his reputation for truthfulness would be ever after impaired.