

THE LEE TRIAL.

Brigham Gets in His Little Swear.

Case Closed as to Testimony.

The Old Man has a Convenient Memory.

Didn't Know Anything About the Massacre.

But Sent Orders to Stop It!

George A. Smith Swears to His Own Innocence.

They Testify a Little in Advance of Their Own Trial.

Special to the Tribune.]

BEAVER, Utah, Aug. 2.—Mr. Sutherland, for the defense, offered the depositions of Brigham Young and George A. Smith, which had already been ruled out. They were filed by the Clerk. The following are the utterances of these ancient persons. Sixteen questions being propounded to Brigham Young, he answered:

Question. State your age, the present condition of your health, and whether in its condition you could travel to attend, in person at Beaver, the court now sitting there? If not, state why not?

Answer. I am in my seventy-fifth year. It would be a great risk, both to my health and life, for me to travel to Beaver at this present time. I am and have been for sometime an invalid.

Q. What offices, either ecclesiastical, civil or military, and you held in the year 1857?

A. I was the Governor of this Territory, ex-officio Superintendent of Indian Affairs, and the President of the Church of Jesus Christ of Latter-day Saints during the year 1857.

Q. State the condition of affairs between the Territory of Utah and the Federal Government in the summer and fall of 1857.

A. In May or June, 1857, the United States mails for Utah were stopped by the Government, all communication by mail was cut off. An army of the United States was en route for Utah with the ostensible design of destroying the Latter-day Saints, according to the reports that reached us from the East.

Q. Were there any United States Judges here during the summer and fall of 1857?

A. To the best of my recollection, there was no United States Judge here in the latter part of 1857.

Q. State what you know about trains of emigrants passing through the Territory to the west, and particularly about a company from Arkansas en route for California, passing through the city in the summer or fall of 1857?

A. As usual, emigrant trains were passing through our Territory for the West. I heard it rumored that a company from Arkansas, en route to California, had passed through the city.

Q. Was this Arkansas company of emigrants ordered away from Salt Lake City by yourself, or any one in authority under you?

A. No, not that I know of. I never heard of any such thing, and certainly no such order was given by the then Acting Governor.

Q. Was any counsel or instructions given by any person to the citizens of Utah not to sell grain to or trade with the emigrant trains passing through Utah at that time; if so, what were those instructions and counsel?

A. Yes; counsel and advice was given to the citizens not to sell grain to the emigrants to feed their stock, but to let them have sufficient for themselves, if they were out. The simple reason for this was that for several years our crops had been short, and the prospect was at that time that we might have trouble with the United States army, then en route for this place, and we wanted to preserve the grain for food. The citizens of the Territory were counselled not to feed grain to their own stock. No person was ever punished or called in question for furnishing supplies to the emigrants, within my knowledge.

Q. When did you first hear of the attack and destruction of this Arkansas company at Mountain Meadows, in September, 1857?

A. I did not learn anything of the attack or destruction of the Arkansas company until some time after it had occurred, then only by floating rumors.

Q. Did John D. Lee report to you at any time after this massacre what had been done at that massacre, and if so, what did you reply to him in reference thereto?

A. Within some two or three months after the massacre he called at my office and had much to say with regard to the Indians; their being stirred up to anger and threatening the settlements of the whites, and then commenced giving an account of the massacre. I told him to stop, as, from what I had already learned by rumor, I did not wish my feelings harrowed up with a recital of details.

Q. Did Philip Klingensmith call at your office with John D. Lee, at the time of Lee making his report; and did you at that time order Smith to turn over the stock to Lee and order them not to talk about the massacre?

A. No. He did not call with John D. Lee, and I have no recollection of his ever speaking to me; nor I to him, concerning the massacre or anything pertaining to the property.

Q. Did you ever give any directions concerning the property taken from the emigrants at the Mountain Meadow Massacre, or know anything as to its disposition?

A. No. I never gave any directions concerning the property taken from the emigrants at the Mountain Meadow Massacre; nor did I know anything of that property or its disposal, and I do not to this day, except from public rumor.

Q. Why did you not as Governor institute proceedings forthwith to investigate the massacre and bring the guilty authors to justice?

A. Because another Governor had been appointed by the President of the United States, and was then on the way here to take my place, and I did not know how soon he might arrive; and because the United States judges were not in the Territory. Soon after Governor Cumming arrived I asked him to take Judge Cradlebaugh, who belonged to the Southern District, with him and I would accompany them with sufficient aid to investigate the matter and bring the offenders to justice.

Q. Did you, about the 10th of September, 1857, receive a communication from Isaac C. Haight or any other person of Cedar City, concern-

ing a company of emigrants called the Arkansas company?

A. I did receive a communication from Isaac C. Haight or John D. Lee, who was then a farmer for the Indians.

Q. Have you that communication?

A. I have not. I have made a diligent search for it, but cannot find it.

Q. Did you answer this communication?

A. I did, to Isaac C. Haight, who was then the acting President at Cedar City.

Q. Will you state the substance of your letter to him?

A. Yes. It was let this company of emigrants and all companies of emigrants pass through the country unmolested, and to allay the angry feelings of the Indians as much as possible.

(Signed) BRIGHAM YOUNG.

GEORGE A. SMITH DEPOSES:

That he is aged fifty-eight years; that he is now and has been for several months, suffering from a severe and dangerous illness of the head and lungs; and that to attend the court at Beaver, in the present condition of his health, would in all probability end his life.

Deponent further saith that he had no military command during the year 1857, nor any other official position except that of one of the Twelve Apostles of the Church of Jesus Christ of Latter-day Saints.

Deponent further saith that he never, in the year 1857, at Parowan or elsewhere, attended a council where Wm. H. Dame, Isaac C. Haight or others were present, to discuss any measures for attacking, or any manner injuring, an emigrant train from Arkansas, or any other place, which is alleged to have been destroyed at the Mountain Meadows in September, 1857.

Deponent further saith that he never heard or knew anything of a train of emigrants, which he learned afterward, by rumor, was from Arkansas, until he met said emigrant train at Corn Creek, on his way north to Salt Lake City, on or about the 25th day of August, 1857. At Corn Creek, deponent further saith, that he encamped with Jacob Hamblin, Philo T. Farnsworth, Silas S. Smith and Elisha Hoops, and there, for the first time, learned of the existence of said emigrant train, and their intended journey to California.

Deponent further saith that, having been absent from the Territory for a year previous, he returned in the summer of 1857, and went south to visit his family at Parowan, and to look after some property he had there; and also visit his friends, and for no other purpose, and that, on leaving Salt Lake City, he had no knowledge whatsoever of the existence of said emigrant train, nor did he acquire any until as before stated.

Deponent further saith that, as an Elder in the Church of Jesus Christ of Latter-day Saints, he preached several times on his way south, and on his return, and tried to impress upon the minds of the people the necessity of great care as to their grain crops, as all the crops had been short for several years previous to 1857, and many of the people were reduced to actual want and were suffering for the necessaries of life.

Deponent further saith that he advised the people to furnish all emigrant companies passing through the Territory with what they might actually need for breadstuffs, for the support of themselves and families while passing through the Territory, and also advised the people not to feed their grain to their own stock, nor sell it to the emigrants for that purpose.

Deponent further saith that he never heard or knew of any attack upon said emigrant train until some time after his return to Salt Lake City, and that while near Fort Bridger, he heard for the first time that the Indians had massacred an emigrant company at Mountain Meadows.

Deponent further saith that he never at any time, either before or after that massacre, was accessory thereto; that he never directly or indirectly aided, abetted, or assisted in its perpetration, or had any had any knowledge thereof, except by hearsay; that he never knew anything of the distribution of the property taken there, except by hearsay, as aforesaid.

Deponent further saith that all charges and statements as pertaining to him, contrary to the foregoing are false and untrue.

The remainder of the day was taken up by counsel in discussing instructions to be submitted to the Court.

Judge Boreman will deliver his charge to the jury tomorrow.