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## THE HONEST AND HUMBLE HAVE NOTHING TO FEAR.

Omens of evil, of wrath, and commotion  
Darkly may shadow their front and their rear;  
Foes they may number as sands of the ocean,  
But the honest and humble have nothing to fear.

When ocean's broad bosom upheaves as in anger,  
Beneath its wild surface do calm waters flow;  
So when prospects around them appear fraught with danger,  
Peace and contentment the honest shall know.

Fear! 'tis a demon maliciously haunting  
The spirit enlightened that yields unto sin;  
The bosom where love of integrity's wanting,  
There's trembling and terror most surely within.

Who barter the truth and descend to the level  
Of the scoffing, ungodly, unprincipled crowd,  
Are the vassals or fear, as d mean slaves of the devil;  
Confusion and darkness their visions enshroud.

The ill gotten gold, and the glitter of Babel  
Are rejected by honest and virtuous hearts;  
Her wealth and her splendor are wholly unable  
To yield the pure joy that the gospel imparts.

Just tribute to all men we ever can render,  
And the pure laws of God, and His people abide;  
Those only in Zion are strong to defend her  
Whose wisdom and worth can endure to be tried.

As sure as the hills, as the bounds of the waters  
Which the power that appointed alone can remove,  
Is the hope and reward of the Lord's sons and daughters,  
Who faithful to Him, and to righteousness prove.

Angels shall visit and bring them glad tidings,  
Unseen shall support them through sorrow and strife;  
The Spirit of God shall illumine their abidings,  
And comfort their souls with the manna of life.

Bless'd are the pure, whether living or dying;  
Bright and unfading their honors shall be;  
Bless'd are the humble, on God ever relying;  
Him in His glory they surely shall see.

Omens of evil, and wrath, and commotion  
Darkly may shadow their front and their rear;  
Foes they may number as sands of the ocean,  
But the honest and humble have nothing to fear.

G. S. L. CITY, March, 1859.

EMILY H. MILLS.

[REPORTER.]

## COURT DOINGS AT PROVO.

THURSDAY, March 31, 10 A.M.

Court met pursuant to adjournment; the minutes of yesterday were read by the clerk and the record signed by the judge.

Mr. Stout asked if the prosecution had rested the case with regard to those prisoners under examination.

Mr. Wilson answered in the affirmative.

The judge stated that he intended to examine Joseph Bartholomew, sitting as a committing magistrate.

No business appearing, the court was adjourned till Saturday morning, at 10 o'clock.

Before the Hon. John Cradlebaugh, in chambers, 12 o'clock M.

Joseph Bartholomew was sworn.

His honor said that Bartholomew had voluntarily made an affidavit before him; that he would read it, and then if he desired to have any corrections made, it could be done.

After the reading of the affidavit, Bartholomew was asked if there was anything more that he wished to add. Witness believed not, but subsequently added a good deal, verbally.

Cross-examined by Mr. Stout.

The examination lasted three hours.

FRIDAY, April 1, half-past 2 P.M.

In Chambers.

John W. Bell, Edson Barney and Joseph Allen were examined as witnesses for the defence of Mr. Alfred Nethercott—Cross-examined by Messrs. Wilson and Williams.

Mr. Stout stated that he hardly knew how to proceed in the case of McDonald and Kerns, seeing that the witnesses for the defence could not be got.

His honor said that if there was, or could be any assurance given that witnesses could be got by a certain day, he was willing to delay the case.

Mr. Stout asked if the case could be kept open indefinitely? So far as the case of Mr. Daley was concerned he could not see the necessity of calling up any rebutting testimony.

Mr. Wilson was willing to do as his honor wished in the matter.

Mr. Stout said that his clients did not wish to be committed without having an opportunity of getting witnesses, for they felt assured that they could be proved to be innocent. It was an unfortunate situation to be placed in, to be accused of murder, knowing that they are innocent, and without having an opportunity of proving it.

The judge remarked that if they could not arrange any specific time when they would have their witnesses, the case would have to be disposed of, but if an arrangement was made, it would have to be by the counsel and not by the court.

Mr. Wilson considered that he, as Prosecuting Attorney, had but one duty to perform, and that was to prosecute those cases through.

The court ordered the case to be proceeded with. Mr. Wilson opened the argument for the prosecution, and in a very able manner reviewed the parts of evidence on which he intended to rest the case.

Mr. Stout observed that he found himself in a very unpleasant predicament, as he had been relying on Major

Blair, who was then in Salt Lake City, for the principal part of the argument, and so also had the defendants.

The judge said that he was very anxious to give them time to get witnesses for the defence, and if they had any and could get them there by to-morrow, he would wait.

Mr. Stout asked till Monday to get Mr. Blair there.

After some further remarks, the hearing was adjourned till to-morrow at 4 p.m.

SATURDAY, 10 A.M.

There being no business before the court it took a recess till 3 o'clock.

3 P.M.

Court was announced in session by Deputy-Marshal Brookie.

Gen. Wilson submitted the following motion, which was ordered to be spread upon the record:

"Whereas, by the judgment of this court, entered on the 11th day of March, it was decided that Alexander Wilson, the Attorney of the United States for the Territory of Utah, is the person legally entitled by law to prosecute all persons charged with offences against the laws of the Territory of Utah; wherefore, the said Prosecuting Attorney comes and makes the following motion, viz., that no other person or persons shall be allowed to assume, or perform any of the functions or duties legally appertaining to the said office of Prosecuting Attorney, unless the same be desired as assistance by the said Prosecuting Attorney and approved of by the court.

ALEXANDER WILSON,

U. S. Attorney for the Territory of Utah.

April 2, 1859."

The judge asked if Mr. Stout was ready to go on with the case of examination of the parties charged with the murder of the Parrishes and Potter?

Mr. Stout thought he would not wait any longer for the return of Mr. Blair, but would risk the case without him.

Mr. Wilson suggested that as he opened the case on yesterday, it would be proper for Mr. Williams to speak first, and then Mr. Stout to follow.

This proposition having been agreed to by all concerned, Mr. Williams delivered an inflammatory speech of nearly an hour's duration. It was a most singular admixture of chaotic matter in the shape of sympathy, declamation, wholesale charges against the civil and ecclesiastical authorities in the Territory; finally, it contained many assertions but no arguments.

Mr. Stout commenced his argument by saying that it was the object of the court to find out the guilty party; that it was no uncommon thing for murder to be committed and the guilty party to be among the first sympathizers with the bereft. Mr. Stout then proceeded in a very cool manner to review the evidence before the court, which he did briefly, and concluded by saying: It is a hard thing for innocent men to be obliged to answer for the guilty. Having answered my feelings upon the subject, I will conclude, trusting the case to the sound judgment of your honor.

Mr. Wilson concluded the argument for the prosecution, in his usual gentlemanly, yet firm and respectful manner. He recapitulated the principle items of evidence that had been brought out, and in a masterly style, selected the conclusive and positive testimony from the vast amount of extraneous matter which was before the court, and closed as follows:

With these remarks I will leave the case with your honor. The examination has been tedious, covering nearly two weeks, and with me before the grand jury nearly another week, and in thus leaving it with your honor I feel that I have done my duty.

Judge Cradlebaugh summed up the case as follows:

I must say that until I commenced the examination of this case, I supposed we were living in a land of liberty—in a land where any person could go to any place where he thought proper to go; I had also thought that we lived in a land of religious toleration, where persons were allowed to worship God according to the dictates of their own consciences, but the evidence that has been introduced shows, at least, that the people, so far as the Territory of Utah is concerned, do not enjoy those blessings of the Constitution.

It would seem that the people are not only deprived of their liberty religiously, but of that which is guaranteed by the Constitution of the United States. If, for example, they fall from the faith of the religious denomination that prevails here, the evidence goes to show that their throats must be cut; if they attempt to leave the country the same thing is to follow; therefore, I think I am right in saying that these blessings of the Constitution do not accrue to this Territory.

[When and where, in Utah, has any person's throat been cut, or any one in the least personally injured, or in any way hindered from leaving this Territory, on the ground of his, her or their apostasy? Never and nowhere, so far as a long and intimate acquaintance with civil and ecclesiastical territorial affairs gives us reliable information, 'wherefore' the Judge's 'I think I am right' is widely at variance with what we are sanguine are the facts upon this point.—Ed. News.]

And it occurs to me that the courts should assume their proper position, and these ecclesiastical shackles be thrown off; therefore, so far as I am concerned, I shall endeavor to enforce the law against all persons that do attempt to set up any law of a higher character, or that set up a right to take people's lives, and that do attempt to take the lives of persons because they are desirous of leaving the Territory.

[Keep your bayonets away and prove yourself IMPARTIAL, as a judge should be, and in such an 'endeavor' you would receive all necessary aid, without any occasion to call upon the military.—Ed.]

In this case, the testimony that has been adduced shows that there has not been that toleration that is right for the people to enjoy. Why, let us look at it. We find here, in the village of Springville, but two years ago, two or three persons make up their minds to leave there; there is no complaint of their having done anything wrong, ex-

cept a complaint in regard to their religious opinions, and that they are going to leave the place.

[How could there be shown 'complaint of their having done anything wrong,' when only one side of the testimony was examined?—Ed.]

Those persons leave, and before they are outside of their own homes, we find that two of them are most brutally murdered. A third one is killed, I suppose unintentionally killed—but two we find are murdered in a most brutal and inhuman manner, and I say for what cause? There was no other cause than that those persons entertained different sentiments from the people in Springville; there was no other reason, cause or motive for it. In looking at the testimony, we say that this is the state of the facts.

We find that Bishop Johnson, the Mayor, and the policemen are engaged in that murder. We find council meetings are held, as they call them; that in those meetings the murders are determined upon. The meetings are held in the upper room of the Bishop's house, and those persons' lives are determined to be taken because they are leaving the Territory. Now, there is no doubt about this.

[Wherein is there greater harm, or why make so grave a charge, upon one-sided testimony, concerning 'council meetings' in the upper room of a Bishop's house in Springville, rather than concerning council meetings in the upper room of a store in G. S. L. City or elsewhere?—Ed.]

We have but a small part of those persons here who were engaged in it. We have perhaps some, but we should have more, for every person engaged in those meetings are as amenable to law as if engaged in taking the lives of those men.

We find in public sermons, not in private council, as the evidence shows, we and a person who claims to be a president of twelve apostles, stating that apostates shall not leave, that if they do, they shall not get beyond the Muddy, and the Muddy is only just outside the wall of Springville. In this I allude to Orson Hyde; he is found down there preaching and makes these statements.

Now these Bishops get their cue from some other and higher source, and I hope that in some other case that will come before the court; we will get at the source from which they get this horrid doctrine. But these threats are repeatedly made and avowedly given out in public meetings.

In the church the Bishop acts upon the instructions and counsel given him from higher authority. He calls around him such persons as he wishes to assist him, and we find him, in connection with these matters, calling together his council. When that council get together, we find him talking to them and telling them what is to be done; and also telling them that they will see the red flow. We have this in the testimony of Mr. Bartholomew that is examined as a witness in regard to this matter. We find also that Mr. McDonald and others who are here were in those meetings, and determined what should be done with those persons who were murdered. Persons are appointed to watch the Parrishes and also to watch persons on the Spanish Farm (Indian Farm); this was done that they might know when they were going to leave.

I ask why was all this done? Now if the Parrishes were going to leave and were in debt the courts were open, they had the remedy of the law, and their lives need not have been taken; they were amenable to the law, but we find that is not the object these persons have in view. They have already robbed them of their property, but they are about to leave; they have apostatized and are preparing to leave the country, and for this they are doomed to lose their lives, not by a jury of twelve men, not by any legal authority; but by the Bishop's council.

We find in looking at the testimony throughout that these persons attempt to go away, and that they are brutally murdered near their home. Now the question to be determined is who should be punished for that crime. All should be punished who are guilty of combining together for the perpetration and commission of the offence, as much as those who are actually engaged in it. But we have not been able to bring the entire persons before the court who were combined together in this murder.

So far as we have been able to procure those who were accused they are here, viz: Alexander F. McDonald, Hamilton H. Kerns, John Daley, Alfred Nethercott, Abraham Durfee and Joseph Bartholomew.

So far as Mr. Nethercott is concerned there is no testimony showing that he was present in any of those council meetings, and I may say Joseph Bartholomew also, for there is no evidence showing that he was there; but it is in proof here that a letter was delivered to Mr. Nethercott by the President of the State, to be carried to the Bishop of Springville.

Now there is one witness here who testifies that the letter that was carried upon the day that this murder was committed was carried by him-self, and that he did not deliver it until the day after the murder, but upon the question being put to him as to where that letter was from, he said he received it from the stand in the bivery.

But there is a witness who testifies that Nethercott received a letter from the president of this state to be carried to Springville to the Bishop.

Now the evidence goes to show that the letter that Nethercott carried was not the one delivered to this man Bell. The letter that was received, from the testimony given, was probably received a week earlier than that received by the witness. Bell says he received it at the stand, while the other witness says that the letter delivered to Nethercott was delivered out of a wagon, and therefore it appears that this letter was a different one from that carried by the witness for the defence, else there is a mistake, but the probability is that Nethercott received a letter a week earlier than Bell.

We find that the witness Bartholomew testifies that the Bishop had a letter in his hand at one of those council meetings, and that he made the remark that they would see the blood, or the red stuff flow.

This took place in Springville. A corresponding remark is made by Bishop Snow when he delivers that letter to Nethercott, and subsequently we find that that letter is used in council by the Bishop in Springville, and afterward it appears the other letter was delivered to the witness Bell.

We think that this matter is sufficiently explained.

This is the only evidence that appears against Mr. Nethercott, that he received a letter, and the remark was made to him that "DEAD MEN TELL NO TALES."

A similar remark is made when the letter is delivered, but whether Mr. Nethercott reported the remark when he delivered it I do not know, but the sender and the receiver seem to entertain the same kind of notion. Where this letter came from we do not know, and what it contained we do not know. We find Nethercott boasting about it, and this is the only testimony there is against him.

Now this shows a queer state of society.

The defence have proven the character of this man Nethercott to be that of a boaster, a wild kind of man, one who is fond of boasting and showing himself great in these kind of exploits.

Why does Nethercott do this? Because he knows that this community will appreciate it.

[We say, because his ignorant vanity would not permit him to do any better, and think the judge's own remarks about him give our because much the preference.—Ed.]

Now Nethercott's remarks are a commentary upon the community here. [Better to say, 'a commentary' upon himself. Ed.]

Evidence shows that he saw the blood there, but, from the nature of the testimony given, we can scarcely believe he was there at all. We find that he comes home early in the evening. We also learn from the testimony that he is accosted at the gate, and asked by the police if he is not afraid to be there at that hour of the night; but other evidence proves that he was at home long before the murder was committed.

Why, he was not there at all, but he boasts in this manner for the sake of getting his character up, and for the sake of getting influence among the people, and I suppose he is now on the way to it. [You 'suppose' so, because you do not know the people. Ed.]

As I remarked before, I can scarcely believe he was there. He is now under arrest, and this should be a warning to him in his boasting. [Quite correct.—Ed.]

The testimony being of this kind, the court will be compelled to discharge him. All the evidence goes to show that he is this kind of man, and that he is not the kind that the community would engage in an affair of this character; they would rely upon another character than that which the evidence shows Nethercott to be.

The evidence before the court goes to show that the entire officials, the Bishops, the justice of the peace, and the policemen, were all engaged in murdering the Parrishes, or in laying their plans. Some are more directly connected with it than others.

[How differently do persons view the same evidence! We have carefully examined all the evidence furnished by a remarkably accurate phonographic reporter, and can only conclude that 'the evidence before the court goes to show' that Durfee, Potter and two of the Parrishes got into a row about matters best, if not only, known to themselves, and that Potter and two Parrishes were killed.—Ed.]

We find that Bartholomew, Durfee and McDonald are found in these private meetings, but there is no evidence that Daley was there; neither is there evidence that Kerns was in those meetings, but we find that Daley is participating in what is going on, and he is seen at a public meeting on the evening of the murder, but does not appear to have been inside of the house. He is then found as a guard and as a policeman.

We also find Kerns taking a part in it and, if he was at the head of the police, he was no doubt acquainted with the whole plan. I do not know what regulations they have there, but it appears that the police was soon found upon the ground. You find them very willing to go and guard this young man Parrish, who is found at his uncle's, and against whom no accusation is made. You find the police going there; you find them actively engaged hunting for Orrin Parrish; the house that the Parrishes had been living in was searched.

Now, as a citizen, a neighbor, and as a friend, would not Kerns have divulged the facts of the case as they had occurred; if he had not been an accomplice, would he not have told the facts about her husband and son being killed? As a policeman and neighbor, would he not have told the facts that evening? But she is not enabled to learn the facts until the next day. Then you find Kerns going and searching the next house, stating that he is searching for a witness.

Was there any warrant issued? No, there was no warrant, for it was but some fifteen or twenty minutes—at the most a half an hour does not elapse before the house is surrounded by a guard and these policemen go in with a lie in their mouths and state they have a warrant for Orrin Parrish; but it was a lie; they had no warrant. They pretended to be searching to find out the guilty party; but they had no such intention.

If they desired to hunt up the matter, they would have inquired, when they went out, and if the parties were friendly to each other; but they make no inquiry of this kind; neither do they divulge to the woman the facts of the murder. In a short time they are enabled to find Orrin Parrish; he has made his escape. Mr. Kerns is found there, and Mr. Daley; and how do they treat the young man Parrish? Do they say they have a warrant for him? Do they divulge what has transpired? No, they do not.

But to go back into the matter one step; when Orrin Parrish goes to his uncle's and goes to bed, injured from the effects of the fall, he tells his uncle that Reason is shot; he asks him to go and see whether he is dead or not; but his uncle is afraid to go. Why is it that his uncle is afraid? Because his uncle knows that it is almost the entire community that is engaged in this plot. He then asks another person to go, and he goes and, when he gets to the gate, he is met by an armed police; and what do they say to him? You must not go out there, if you want to live.

Did you ever hear of such a thing in any other country? In any other place the police would have gone and shown him the exact condition of affairs. I say, therefore, that the facts go to show that all the police are concerned in this matter; and, although he (Kerns) is not a participant in these meetings, neither is Mr. Daley, yet there is sufficient evidence to hold them over on a preliminary examination.

[In addition to the above running comments we will dismiss, for the present, this 'summing' in the shape of a special plea and gross wholesale charges founded upon such shadowy testimony, with the reflection that all readers, possessed of the smallest share of good judgment and love of justice, can but be astonished at the delivery of such matters in any court in any country.—Ed.]

The court would therefore say that, so far as Mr. Nethercott is concerned, he will be discharged, but it will commit the others for further hearing.

Mr. Stout asked if the prisoners could be put in the hands of the civil authorities.

His honor promised to consider the matter; after which court took a recess for one hour.

Court resumed its session.

Mr. Stout made the following remarks:—

If your honor please: I want to make a suggestion or motion in relation to these prisoners for whom I appear. They are committed to await their trial; this will be an indefinite period of time as far as I can learn, and the probability is that they will be taken to Camp Floyd, and I now ask that they be delivered over to some civil authorities, to be kept by them. I do not want to take any advantage, but whatever may be required I am willing to comply with. I am willing that the bonds of the sheriff shall be increased to make them more sure, if necessary, for I do believe that there is integrity and

[Concluded on last Page.]