

companies were smaller than the English companies. They marched to a martial band, with a captain at the head of each twelve men. Never saw any other than English people drill. Never saw Burton's men drill. Can't say that the Morrisites thought the world would come to an end so far as temporal affairs were concerned. Christ was to appear and the Morrisites were to destroy other nations with supernatural assistance.

Court adjourned till Tuesday at 9.30 a.m.

TUESDAY, Feb. 25, 9:30 a.m.

HANS OAKASON

Was the first witness to-day, who was sworn and testified as follows: Lived in South Weber, called Morris' camp, in 1862. Was a Morrisite; went there in 1861 early in December; held no particular position in the camp, but was an enrolled man in the army; there were seven companies, twelve men in a company, all armed, with rifles, carbines, etc. some having double-barrelled shot-guns; did no work, except getting a little firewood, neither in the winter nor spring; there was some drilling, target-shooting and meetings; Joseph Morris said a people was to be prepared to receive the Lord, and as soon as he came they should take possession of Salt Lake City; Joseph Morris was to be the chief; do not remember the date of foreshadowing day; several days were fixed for the coming of Christ, one being Christmas Eve, 1861; after that day an oath was administered to the Morrisites, as they were not considered fully prepared for the great event, that they should believe and practice all the revelations which should come after that; several things were required of the people, before Christ should come, one being that they should give up their arms to Christian Klemgard, this was done, and all the arms were taken to one place, and kept there about a month, and then removed to another place about two rods from the bowery; Klemgard delivered them out when they were required; at first each man owned his property, but afterwards a revelation was given that all the property should be consecrated; provisions, etc., brought to the camp were kept in a storehouse for the use of the people; here each man came and drew his rations, which he was charged with, and this he had to pay before he left the community; afterwards if a man wanted to leave he could take nothing with him, and after this, if a man should leave the camp without permission, the punishment was death; I remember a party of eight or ten was searching for Wm. Jones, who had left the camp and took some property which he formerly owned; some of the inhabitants were looking with glasses from the tops of the houses; there was that day a visitor in camp who had formerly been a Morrisite; after making some unpleasant remarks about the people he left the camp in the evening; afterwards a party went out and brought him into camp where he was surrounded by the people, when Banks said "this man shall die this evening," but in order that his body and blood should not disgrace the camp, he was not to be executed there. Banks first commenced beating him with willows, and seven women with seven willows each, also beat him severely; he was then told to leave and be seen there no more; the revelation said that the hypocrites should be killed; if a man's wife was a hypocrite he was to kill her, and if he refused, the standing army should kill them both; the Lord would make known who were the hypocrites; we had some pretty good military men among us; there was target shooting; we went out south on the bench; the target consisted of the figure of a man; there were some excellent shots in the army; a guard was kept up every night, to keep in Morrisites and keep out strangers; recollect one party coming to serve writs, Stoddard being one of them; when this party approached the fort they were ordered to stop by three men with guns and one with a sword; Banks also was there; Stoddard read a paper to him which referred to prisoners, Jones, Jensen and Bearson being named; a copy or the original was handed to Banks and he tore it to pieces; I was one of the guard; was in camp when Burton's force came up; met a boy in the road, and he said he had a letter from the Mormons which he was ordered to deliver to one of the head men; I went with him, and

he handed the letter to John Banks; there was quite a crowd of people standing around; in a short time I went over to the headquarters and saw the band playing there; in a few moments the bugle was sounded and the people gathered in the bowery; the services commenced with singing and prayer, and a revelation was read exhorting the people to faithfulness; the letter from Burton was not read; Richard Cook said a letter had been received, but he did not know where it was; immediately afterward a cannon ball came and the people dispersed; Richard Cook told them to keep quiet, but the people would not, and then he told them to go home; in about fifteen minutes the bugle called to arms; I went there to where the arms were kept; did not hear anything about the contents of Burton's letter; heard he was there to take some prisoners—the leaders of the people and the men who were then in prison; a revelation had come stating that we were not to give up anything to our enemies; and that we were to obey no law but the law of heaven, and the people were all sworn to keep these commandments and were generally willing to do so; I was off a distance and was taken prisoner, and saw no more; when we received our guns from Klemgard we were ordered to defend ourselves and the camp.

Cross-examined: Klemgard gave us our orders to defend ourselves; the companies seemed to be only designated by the captains' names; we fell into line, each man in his own place; do not remember my captain's name; all the captains drilled in the same way; Klemgard was the military chief but his ability did not seem to be very great; I do not know of any others bearing arms but those belonging to the companies; Burton had probably four or five hundred men; when the boy came in with the paper, Banks and Klemgard were together; and the people were told to disperse; it was something near thirteen rods from my house to Banks; I did not think Christ was coming at that time; do not remember the tune played by the band; they played fifes and drums; saw no cannons, but saw the glittering of guns; do not recollect that any of Burton's men were in uniform; the firing from his men did not seem to be continuous; after the cannon ball came I walked over to my house, and afterwards, when the first volley of musketry was fired I dropped into a hollow; I did not fire a gun, my gun was a double-barrelled shot gun, and I was not close enough to shoot with any expectation of doing any damage; I am not a Morrisite now.

By a jurymen: I was in my house changing my clothes about 10 minutes; did not believe it was my duty to obey the law of the land, and as far as I know, my companions felt as I did; believed Gen. Burton came there as an officer of the law, and I think we all believed so.

Re-direct: Joseph Morris had a revelation that such a posse should come; and that the enemy were to be destroyed by the power of God; witness mentioned the names of some of the captains of the Morrisite companies; we always drilled under our regular captains.

Re-cross-examination.—The revelation stated that enemies should be sent from Salt Lake City; know of no disagreement between the Mormons and the Morrisites; the revelation seemed to indicate that the enemies would come to destroy us and should be struck dead three miles from our camp; gave up the revelation pretty well I saw them close upon us.

GEORGE T. PEAY

Next testified: Lived in Provo; lived in 1862 in the vicinity of the Morrisite camp, about a mile west of it. I had lived there since 1856; was acquainted with the Morrisites; they followed no regular occupation, being occupied in meetings, etc.; their property was held in common; they looked upon Morris as their supreme lawgiver; they believed that before their property was exhausted, they should receive the wealth of the surrounding people; they considered themselves under allegiance to no government; they professed implicit confidence in Morris and his teaching; they celebrated foreshadowing day as an example of the day when he should have dominion over the whole earth; their enemies were to be destroyed, I

have heard these doctrines partly taught in the meetings and partly from conversation; know the reputation of the Morrisite people among the surrounding inhabitants; they defied the law and the officers of the law; their reputation for good order was bad; the surrounding people were in fear that their threats of destroying the inhabitants would be carried out; saw Lot Smith, sheriff of Davis County, attempt an execution on some property, he was resisted; his life had been threatened and he requested me to witness the proceedings, if he should be killed or not, and I did so, standing outside the fort on an eminence; he went in and was stopped by five or six armed men; they stood on both sides of him while one walked up and addressed him; he came away without the property; he said he was unable to execute, because he was ordered to leave and not return on peril of his life; he had a writ of attachment; he is now in Arizona.

Cross-examined: Lived on ground lower than the camp; frequently visited the camp and seldom attended their meetings; attended but one meeting; do not know the exact date; there was preaching, singing and praying—nothing different from other religious meetings; I understood that Joseph Morris was to be crowned; their enemies were to be destroyed, that is, all that did not believe in their doctrines; visited their camp frequently, as did also others of the surrounding inhabitants; was not always well treated; remember being knocked down by a man with a slung shot; I was minding my own business; did not visit very frequently after that, once or twice, not positive as to the number; know that their conduct was bad; the neighbors were generally frightened after their military organization; do not remember the exact date of the organization, nor the number of the armed men; frightened at their threats to exterminate us, which was to take place when they received a revelation to that effect. When Lot Smith entered the fort I was about 30 rods from him; he was met by five or six armed men; could not hear anything said.

Court adjourned till 2 o'clock.

2 p.m.

JOHN C. THOMPSON

Took the stand—Lived at Riverdale, Weber County. Have lived in that neighborhood since 1859. Early in 1862, lived where I do now. Know where Kingston Fort is. My place of residence is about three miles north of it towards Ogden. Knew some of the Morrisites. Knew their reputation in the community around them. I was not at the Morrisite camp during the war. But was there at other times. Was there early in 1862. Was a deputy sheriff in 1860 and 1861, and in the spring of 1862 visited the Morrisite camp with Sheriff West, officially, as early in 1862 as January. I don't recollect what kind of papers Mr. West had, but they were to attach property belonging to some one in the camp. We were met on the outside of the fort, by Lord, Brown, Peters and others. They told us we shouldn't go in. We finally went in, and we were met by a number of men with guns and willow poles, and they beat our horses over the head and backs till we could not manage them, and we had to succumb. They knew what we went for. We told them; and I think West saw the man we went for near a coral with horses in it. They told us we could not take any of the property belonging to them. They threatened us and told us that unless we left they would certainly hurt us. I think their guns were cocked all the time. Only West and myself went on this errand. We did not make the seizure. Never afterwards went for a like purpose. Do not personally know any one else going on a similar errand. Think I know the reputation of the Morrisites for order and peace, and it was bad. Some of them were then and still are very good citizens. In the settlement in which I lived the people were afraid of them. One reason was that Morris was getting revelations all the time, in which he said they would obtain all the property, and destroy those not of their faith, and we understood they would commence on us. We stood guard for a number of nights fearing an attack. The excitement did not continue long. A number would have left if they had not been hemmed in by the high waters of the Weber. My wife was very much frightened;

and we went to visit some relations. I would not like to say that I was frightened, but I should not have gone had it not been for the trouble. And others would have gone to Ogden if they could have got across the river. Don't know that all were sufficiently firm believers to do whatever Morris might desire of them. Perhaps some would not if it came to the pinch.

No cross-examination.

ROBERT W. BURTON

Was then sworn: Lived in Kaysville. Am not related to the defendant, that I know of. Lived in Kaysville in 1862. Know where the Morrisite camp was. Was constable in 1862. Know some of the Morrisites by sight. I arrested Jones on the other side of the sand ridge, three or four miles from the Morrisite camp. Was going to bring him to Farmington, but I was overtaken by a Morrisite party of three men, while I had him in custody, and they took him away from me by force. They knew I had arrested him. I told them I wished to take him to answer to the papers, they told me I could not, and that they would take him and me to. Told them I was constable, but they took him. They were armed. I had served a process in the Morrisite camp before this.

Cross-examined—I arrested Jones for assault and battery. Can't tell on whom nor where. The warrant was issued by Judge Haight, of Farmington, Davis Co. judge of the probate court. Can't say who made the complaint. Don't know where the assault was committed. Don't know on whom the assault was committed. Believe the warrant was given me by Judge Haight. It was not a summons. I got Jones. Found him on the other side of the sand ridge, rather northwest of the Morrisite camp. I believe he was on the road or close by. A man was with him. They were on foot. Think they were going south. He made no objections to going with me. Don't remember that he said anything to me about the matter. Don't know where the other man went, unless it was to the Morrisite camp. The Morrisite men overtook me about an hour or an hour and a half later. They didn't say why they took him from me. They made no excuse. It is very likely that I knew at the time where the assault was committed. Believe I was in the Morrisite camp three times. Served papers in it. Can't say what papers I served in the camp. Arrested and brought a person away from the camp three or more months previous. It was in 1862, in the early part of the year. The man I arrested in the camp was named Astor. He was a Morrisite. I brought him to Kaysville. Arrested him in the daytime without any trouble. Don't recollect for what he was arrested. It was very early in the spring.

THOMAS ABBOTT

Was then sworn—Lived in Farmington. Have lived there eighteen or nineteen years. In 1862 I was called on to accompany Mr. Stoddard to the Morrisite camp. Mr. Stoddard is dead. The Morrisite camp is about ten or twelve miles from where I live. He wanted me to go with him to serve a writ of habeas corpus. Wm. Jones was one of the names in the writ and there were two others, one a Mr. Jensen. Cannot think of the other's name. Wells Smith went with us. We went in the camp on the south side. When we got within a mile of the town we saw four men. We supposed them to be guards, who came down the hill. Stoddard stayed outside while I went in the camp for one John Smith, and I overtook these four men. One of them was the father of the man I was after. A number of men met me at the gate, who reluctantly let me pass. Smith was pointed out to me, and when I told him what I wanted he came with me to Stoddard, who told Smith he wanted three prisoners in the camp. Stoddard told Smith the names, and Smith told him not to go in as the Morrisites would kill him. Stoddard asked Smith to go to Banks and ask his protection while Stoddard performed his duty. Smith went, and returning, told Stoddard that Banks had said that if he went in he would do so at his own risk. Stoddard asked me what he should do, I told him to do as he pleased; then he said I will go, and he went, Smith begging him not to go, all the way. When we came there we saw Banks on a chair, with Klemgard and two army

guards around him. Stoddard proceeded to read the writ to Banks. It called for the men. He asked Banks what he had to say to it. There was a good deal of confusion among the crowd there and many insulting remarks. Banks said: "Tell Judge Kinney we want no communication with robbers and horse thieves; and recollect if you (Stoddard) ever come here again on this business you will never leave alive." Stoddard asked to leave a copy of the writ. Banks said he did not want one. Stoddard said he would leave one any way, and having one in his hand threw it over his horse's head, the wind letting it gently to the ground. One man went to pick it up and Klemgard told him not to. Another man went in a house and came out with a shovel of hot coals which he put on the writ as it lay on the ground. It smoked a little and burned up. Remember Burton going there with a posse. It was two or three weeks later than this. I joined Burton at Farmington. Do not know how large a force he had, perhaps 100 or 150 men. He had additions from Farmington and Kaysward. He had finally about 200 men, but I would not be positive. The force reached the camp on Friday morning, about 10 or 11 o'clock. Camped about four and a half miles this side of the camp the night before. Burton sent a proclamation to the inmates by Stoddard, Howard Egan, Wells Smith and myself. He sent us with it about 6 or 7 in the morning. He told us to deliver the message to John Banks or Morris if we could. I did not read the proclamation, it was read to me. (A copy of the document was shown the witness, and he said it was the tenor of the one he heard.) We gave it to a boy about a mile outside of Morris-town. Do not know the boy's name. Stoddard spoke to the boy and asked him to take the letter to the fort. The boy said he would, and Stoddard gave him a quarter.

Judge Sutherland—Why did one of the party draw a pistol and threaten to shoot the boy?

Witness—None of the party pulled a pistol on him; he did not seem reluctant to go, and was quite willing to go and take the quarter. The boy started off with the proclamation, and we went with him to the lower bench. We saw him go in on the south side, turned to the right to a house near the southeast corner of the fort. We got there about an hour after we left Burton's camp. Do not think it was a minute past 8 o'clock. About an hour or two hours later, Burton's party arrived. Most of the troops were in wagons, some on horseback. Stoddard, Egan and myself were on horseback. Burton's men planted the cannon from 600 to 800 yards from the camp. There was no response to the proclamation from the Morrisites. I didn't know what they were doing only that they gathered under the bowery. The cannon was fired at 10 or 11 o'clock. I was not a rod from the cannon. Burton ordered the gunner to shoot over the camp, and said, Be sure not to hit anyone. He only wanted them to know he was there. Think the gunner was named Jack, but am not sure. The cannon was not fired for some time after the order. I was right there all the time. The order was not modified. He said he only wanted them to know he meant business. The first shot struck a cottonwood tree on the other side of the fort, and from thence glanced into a bank on the opposite side of the Weber river. Saw where the ball struck very plainly. I think he waited 10 or 20 or 30 minutes before he fired again. In the meantime I saw Wells Smith carry a white flag towards the camp. Saw Smith when he returned. He had no communication with anyone in the camp that I could see. He staid there until the second shot was fired. I stood near the cannon at the second shot, and the same order was given, Burton telling them to miss the bowery in which the people were gathered. The ball struck in a plowed field and glanced off and hit a house. I could not see where it went to after. He told them to shoot over the bowery before the second shot. I could not see that the cannon ball had disturbed the people in the bowery. We could see the school-house, and he said not to fire at it, because women and children might be in it. Don't remember any further general directions. Mr. Smith and myself had charge of the brass gun in the absence of Mr. Ross. We were told not to fire at the small cabin ap-