

many who have previously been sent here, and we have reason to believe that they are, or they would not come when they know they are not wanted, they are poor, miserable blacklegs, broken down political hacks, robbers and whoremongers, men that are not fit for civilized society, so they dragoon them upon us for officers. I feel that I won't bear such cursed treatment, and that is enough to say for we are just as free as the mountain air.

There is high treason in Washington, and if the law was carried out, it would hang up many of them, and the very act of James K. Polk in having five hundred of our men, while we were making our way out of the country, under an agreement forced upon us, would have hung him between the heavens and the earth if the laws had been faithfully carried out. And now, if they can send a force against this people, we have every constitutional and legal right to send them to hell, and we calculate to send them there. Our enemies had better count the cost, for if they continue the job they will want to let it out to sub-contractors before they get half through with it. If they persist in sending troops here, I want the people in the west and in the east to understand that it will not be safe for them to cross the plains."

Whether such language as the above instigated the Mountain Meadow massacre, or whether that horrible butchery was done by direct command of Brigham Young, will probably never be known; but it is a part of the history of this Territory that about this time a party of peaceful emigrants, who were passing through Utah, on their way to California, consisting of about 130 men, women and children, were mercilessly butchered by men under the command of John D. Lee and Captain Dame, both Mormons of high standing.

On the 4th day of April 1859, Judge Cradlebaugh caused the following order to be entered in the records of his court, to wit:

"This 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 this court. The whole community presents a 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 United States troops stationed near here—who 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 have 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 refused to meet its obligations. A most willing inclination has been manifested to prosecute Indians and other persons not Mormons, for their offenses, while Mormon murderers and thieves are allowed to go unpunished. This court has determined, as its action manifests, that it will not 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, the court now adjourns without day.

[Signed.] "Jno. CRADLEBAUGH,

"Judge, 2nd Judicial Dist."

Counsel for applicants, however, contend that the feelings of the people of the Mormon Church towards the government have undergone a change, and that in later years the former feeling of hostility has disappeared, or become greatly modified. The evidence, however,

does not sustain this claim. In January, 1887, at the dedication of the St. George Temple, Wilford Woodruff, who is now President of the Church, prayed for the destruction of the government in the following language, to wit:

"Therefore, O Lord our God, we pray that Thou wilt give Thy people faith that we may claim this blessing of Thee, the Lord of Hosts; Thou wilt lay Thy hand upon Thy servant Brigham unto the renewal of his body, and the healing of all his infirmities, and the lengthening out of his days and years. Yea, O Lord, may he live to behold the inhabitants of Zion united and enter into the holy order of God, and keep the celestial law, that they may be justified before Thee. May he live to behold Zion redeemed and successfully fight the devils, visible and invisible, that make war upon the Saints. May he live to behold other Temples built and dedicated unto Thy name and accepted of Thee, O Lord our God. And we pray Thee, our Father in heaven, in the name of Jesus Christ, if it can be consistent with Thy will that Thy servant Brigham may stand in the flesh to behold the nation which now occupies the land upon which Thou, Lord, hast said the Zion of God should stand in the latter days; that nation which shed the blood of the Prophets and Saints, which cries unto God day and night for vengeance; the nation which is making war against God and His Christ; that nation whose sins and wickedness and abominations are ascending up before God and the heavenly hosts, which causeth all eternity to be pained and the heavens to weep like the falling rain. Yea, O Lord, that he may live to see that nation, if it will not repent, broken in pieces like a potter's vessel and swept from off the earth, as with the besom of destruction, as were the Jaredites and the Nephites; that the land of Zion may cease to groan under the wickedness and abominations of men."

In May, 1879, one Miles was on trial in this court for polygamy. Daniel H. Wells, one of the Presidents of the Church, was duly called as a witness, and on refusing to answer a question propounded to him concerning the records of marriage in the Endowment house, was committed to prison for contempt of court. On being released, a procession, variously estimated by the witnesses at from two thousand to ten thousand Mormon people, headed by the city council and fire department, escorted him from the prison through the streets of the city to the Tabernacle, where a meeting of eight thousand or ten thousand people was held, and speeches were made endorsing his conduct. As the procession moved up Main Street, the American flag was dragged in the dust, and a large banner was carried by little girls on which were inscribed the words "We will uphold polygamy." As the procession passed the building where the district court was being held, the people gave vent to their feelings by hooting and jeering and hissing. At the meeting in the Tabernacle, banners were numerous, on which were inscribed such sentiments as the following:

"The nineteenth century is too late for religious pains and penalties to be imposed in the name of the law." "Prisons are made for thieves, vagabonds and law-breakers, and not for honorable men. When used for such purposes we honor the prisoner more than the persecutor." "Honor to the man who prefers fealty to his friends, his religion, his country and his God to obedience to the unjust fiat of a jaundiced judiciary." "When Freemasons, Odd Fellows and others are compelled to make their secrets public, it will be time enough to practice on 'Mormons.' Try the others first." "There is nothing more sacred than a religious obligation." "Better the penitentiary for faithfulness in this world than the 'prison house' for perjury in the next." "It would accord more with

the dignity of the judiciary in fining an honorable gentleman for contempt, to find a more powerful reason than the cut and color of an apron for its action." "The women of Utah uphold polygamy."

On the 4th day of July, 1885, the flags were displayed at half-mast by the Mormons in this city at the city hall, at the county court house, at the office of the Deseret News, at the Gardo House, at the Mormon Co-operative store building, and other places. Counsel for applicants claim that this demonstration was not intended to be an insult to the government nor its flag, but as a sign of mourning, because of the unjust laws against polygamy, and the acts of the officers of the government in enforcing them. But the evidence fails to show that crape or any other emblem of sorrow was displayed in any manner, and there can be no question but that the half-masting of the flags was intended to be, as it was understood by those who witnessed it, an insult to the national authority.

The evidence shows that the Church has, in the most determined manner, and with all the means at its command, opposed the enforcement of the laws of the United States against polygamy and unlawful cohabitation, while polygamy has been constantly preached as a cardinal doctrine of the Church. A fund has been raised in this Territory to aid in the defense of all who may be prosecuted for violation of these laws, not only in Utah, but in Arizona and Idaho Territories. In May 1885, John Taylor and George Q. Cannon of the First Presidency of the Church, both of whom were then under indictment for unlawful cohabitation, and were hiding from the officers to avoid arrest, issued a circular to be read in all the churches, calling for contributions to this fund. When men have been convicted for violating these laws, and the court has offered to suspend sentence or inflict a light penalty if the offenders would promise to obey the laws in the future, they have almost invariably refused to make any promise whatever. It has been a common custom among the Mormon people, ever since the enforcement of these laws began, when one of their number has been convicted and sentenced to imprisonment for violating the law, to give him a reception on his return home, and honor him in every way possible, while those who have promised obedience to the laws have been ostracised, and held up to the public execration and scorn. To suffer fine and imprisonment for violating the law, or for "living his religion," as they usually term it, is deemed by them as worthy of all praise, and will, as their leaders teach, result in the exaltation in the life to come of him who thus proves the sincerity of his faith. As showing the manner in which the violators of the law are honored, I quote from the DESERET NEWS of date January 16th, 1889, which was introduced in evidence, as follows:

"A CORDIAL RECEPTION.

"William Chatwin writes as follows from Santaquin, January 14th, 1889: 'Will you please insert in the NEWS an account of the following heart-melting scene that was transacted at the Santaquin depot on Sun-