

**Selections from
the David H. Morris Collection**



Joseph Anderson Memorandum

Friday, January 4, 1938.

A young lady called at the office of the First Presidency this afternoon (Miss Hafen), and said that the accompanying papers had belonged to David H. Morris of St. George. She is his adopted daughter. Brother Morris, she said, had spent much time securing affidavits etc. regarding the Mountain Meadows Massacre and other things. The attorney for the Estate of Brother Morris, Mr. Orval Hafen, gave these papers to her with the request that they be turned over to the Church. These papers are as follows:

Affidavit dated December 17, 1902, signed by Lucy Walker Smith Kimball,
Affidavit of Nephi Johnson, dated November 30, 1909,
Letter from Mayhew H. Dalley to David H. Morris, dated March 7, 1896,
"Statement of an Eye Witness", signed Samuel Knight, dated August 11, 1904,
Letter to Honorable Jabez G. Southerland, signed J.W. Judd, and dated
February 4, 1896, also letter to Hon. J.W. Christian, signed J.G.
Southerland, (These are both copies)
Affidavit by Nephi Johnson, dated July 22, 1908
Telegram dated Feb. 16, 1896, signed R. C. Lund, addressed to Isaac
C. Macfarlane.

Joseph Anderson
Secty

John W. Judd Letter

John W. Judd,
Attorney at Law,
U.S. Attorney for Utah,
Rooms 105-106-107 Commercial Block,

Salt Lake City, Utah, Feb. 4, 1896.

Hon. Jabez G. Southerland,

Salt Lake City, Utah.

My dear Judge:-Concerning the question which you put to me asking why I hesitated to dismiss the indictment against Higbee during the time I was U.S. Attorney, I beg to reply that when I was first appointed U.S. Attorney for Utah, I took personal charge of the Second District where the indictment was pending and made every effort I could to thoroughly investigate the particulars of the unfortunate massacre at Mountain Meadows with a view to discharge whatever official duty with reference thereto which my position imposed upon me.

I talked with many of the prominent people of that section of Utah and I read the history of the trial of Lee as found in his autobiography, and I came to the conclusion in the first place that any attempt on my part to continue the prosecution against Higbee and others, would in all probability be abortive on account of lack of testimony, which in its turn resulted largely from so great a lapse of time. I came to the conclusion that any attempt to try the case would simply result in harrowing up old sores not only in Utah, but that it would be published probably all over the United States and that nothing could result, except probably to leave us in a worse fix than we were.

Moreover a generation had passed and there were mothers and fathers living in that section of the State who had been born since the massacre in 1857, and I felt that it could accomplish no good purpose to spread anew the disgusting and heart-rending details of that affair in view of, and to be read and re-read by a generation of people who knew nothing of it, and who ought to know nothing of it. When application was made to me to dismiss the case against Higbee my hesitation to do that was attributable to a doubt in my mind as to whether that man ought to be allowed to go back into the community and become a parcel of it

I was afraid that his very presence there would have the effect of tearing open the old sores of the past and excite renewed discussion, and to effect, in part at least, some if not all of the evils that a re-hash ~~ix~~ of the matter in court would effect. I talked the matter over with the best citizens and while they for the most part insisted that Higbee himself was not really a guilty party, that whatever he did he did it under the pressure of absolute compulsion, they insisted that this was ~~ix~~ largely understood by the community, and that his presence there would not be offensive. Still the doubt in my mind upon that subject was so strong that I did not feel that I ought to be the instrument in opening the way for him to go back; but I do not hesitate to say that the dismissal of the case is infinitely preferable to any trial of it. For the reasons heretofore stated I think a trial would do no good and it would upturn the community, cause a re-hash of what took place nearly forty years ago in the public print of the Territory and probably of the whole United States, and finally result in an acquittal.

I hope this will be satisfactory to you and will serve your purpose. I have tried in my feeble way to state the matter so far as I am concerned exactly as I felt it. The prosecution ought to be dropped.

I am, with great respect,
Dict. "A". Your obedient servant,

(Signed) J.W. Judd.

show this letter to ~~some~~ ~~in~~ ~~the~~ ~~also~~ ~~George~~ ~~Judd's~~ ~~letter~~.
Higbee was never guilty as I know from talking personally with him, but the way things were then would probably prejudice over that matter so that he could not have had a fair trial. My idea is that Higbee is entitled to have a trial and to be personally vindicated by an acquittal.

As his age and the friends of the accused are content with a dismissal, that order ought to be made.

Yours very truly,

(Signed) J.W. Judd.

J. G. Sutherland Letter

J.G.Southerland,
Author of Treatise on Law of Damages etc.

Walter Murphy.

Law Office of

Southerland and Murphy,

120 to 123 Commercial Building,

Salt Lake City,Utah, Feb.5th, 1896.

Hon. John W. Christian.

My Dear Sir:-

You have been employed to procure dismissal of the indictment against John M. Higbee. I am employed too for the same purpose. I obtained from Judge Judd the enclosed letter which explains why he did not dismiss the case, nor bring it to trial. He shows reasons for not trying it—that he could not convict. When the prosecuting officer reaches such a conclusion, it follows as a legal consequence, that the prosecution should be dismissed. No requisition was ever obtained to bring Higbee as a fugitive from Arizona. 20 years ago a proposition was made to the District Co. at Beaver that Higbee and some others would voluntarily appear if the Court would fix an early day for ~~trial~~ trial. The Court would not entertain it, and actually punished the Attorney for contempt who proposed it. Baty was the Atty. punished, and I paid the fine of \$50. myself. The prosecution ~~ought~~ ought to be dismissed for this long neglect, and now especially since the District Attorney says there is no probability of ^{it} convicting; and it is against public policy to attempt ^{it}. Please show this letter to Judge Higgins; and also Judge Judd's letter. Higbee was never guilty as I know from talking personally with him. But for many years there was such popular prejudice over that massacre that he could not have had a fair trial. My idea is that Higbee is entitled to have a trial and to be personally vindicated by an acquittal. As his son and the friends of the accused are content with a dismissal, that order ought to be made.

Yours very truly,

(Signed) J.G. Southerland.

Samuel Knight Statement

Statement of an eye witness

Sept. 1857

It was Sunday morning, that I left the Meadows to go to Santa Clara, leaving my wife who was sick in bed with a young child, and on that account I done the business that I had in view and returned as soon as I could, while on my way back and when we were near the Magotsos where it ~~xxx~~ came into the Clara Creek, about ten o'clock at night, a voice came from the brush, and when the man came out I found that it was John D. Lee, we had heard before that there was a plan on foot for the Indians to surround a company of emigrants that were camped at the spring that is near the spot where the Mountain Meadow Massacre took place, when they got near we were then standing, but in speaking to John D. Lee, he told us that he had been with the Indians that morning, which was in the month of September in the year of 1857, ~~and had~~ made an attack on the emigrants, and the fight had been kept up all day, that the emigrants had made a fort of the wagons, throwing dirt under the wagons for protection, that he had been in the fight, and showed us several bullet holes in his clothing, which was evident that he had been in close quarters, one bullet had cut his hat, another his clothes across his body in front, and several had cut through his sleeves, this was on Sunday night, and the war was then kept up till the following Thursday, Lee found out that he had gone too far to drop the matter as he was afraid that he was known as one of the party who had made the attack and to let them go now was to give him away, and having commenced it he must see it through,

It must be remembered that at that time, only ten years after the territory had been settled, and that by people who had been driven from their homes, that at this time an army of United States troops were on their way to Utah, with the purpose of destroying the Mormons, men were stationed in all the dangerous places, women were excited, and the people as a whole were ready for any emergency, this particular company ~~xx~~ was very insulting, saying that they had assisted in driving the Mormons out of Illinois and that they would go to California and gather up a party and come from the South and assist in destroying them again, this together with the abuses that they had committed against the Indians before they came to Cedar had aroused a feeling against the party, so that it did not require much to cause an attack to be made against the company for many in so doing supposed that they were only taking advantage of an opportunity to protect their own lives and that of their family.

The attack kept up until Thursday, when a truce was made by the terms of which, the emigrants gave up their arms, and was escorted out of the valley, and when the party got nearly to the summit of the ground that divides the flow of water that runs to the Meadow settlement and that ran towards the valley where the emigrants were camped, a place where several bunches of oak grow, the Indians fell upon the emigrants, and with the assistance of some white men, destroyed the company except the small children, that were considered too young to tell what had happened, and who took part in the affair. While there is no doubt that the company would ever lived to pass the forks of the Clara Creek and the Magotsos, where the Indians were gathering to, there can be no doubt that John D. Lee, was responsible for the attack being made at the Mountain Meadows, and for the above reason John D. Lee, suffered the death penalty. The killing was done as speedily as possible, and no wanton cruelty was indulged in, and if at that time the party could have been allowed to pass without danger of implicating the whites, it is very likely they would have been allowed to go, but it is not likely they would have escaped the Indians, who would have waited for them further on their way.

Samuel Knight

State of Utah,)
County of Washington) ss

Samuel Knight, being first sworn deposes and says,
that I have read the foregoing statement and know the contents thereof
and that the same is true of my own knowledge, and that I signed ^{the} same of
my own free will and choice, and futher that the said statement was made
for future use, in settling any false statement that may be circulated
in regards to the subject therein stated, and not to be used for steet
talk, and common gossip.

Samuel Knight

Subscribed and sworn to before me this 11th day of August, 1904.

D. H. Morris

Notary Public.



*My commission expires
April 29th 1908.*

Nephi Johnson 1908 Statement

AFFIDAVIT.

Nephi Johnson, being first duly sworn, deposes and says, I am a resident of Mesquite, Lincoln County, State of Nevada, and of the age of seventy five years, I came to Southern Utah, in the year ~~xxxx~~ 1851, arriving at Parowan, on the 13th day of January, of that year. During the year 1857, I was living at what was known as Johnson Springs, situated about six miles North of Cedar City, Utah, I was in Cedar City, when the train of emigrants passed through Cedar, on their way to the Mountain Meadows, where they were afterwards killed, in what is known as the "Mountain Meadow Massacre"; The company was of a mixed class, some being perfect gentlemen, while others were very boastful, and insulting, as they said that they were coming back, and assist the Johnson army to exterminate the Mormons, It will be remembered that at this time there was a United States army, under Gen. Johnson on its way to Utah, with the understood intention of destroying the Mormons, which filled the people with fear, and greatly excited the most of them, I did hear Capt. Francher, who was the leader of the emigrants, rebuke the boastful ones of the company, for making these threats.

Two days later Isaac C. Haight, told me that he and John D. Lee, had slept together at the Iron Works, and that Lee had proposed to gather the Indians and destroy the emigrants, and that he (Haight) had consented to it, but he had sent James Haslem to Salt Lake City, with a letter to Pres't. Brigham Young, to learn what we had better do, but that Lee had gone on gathering the Indians together to make the attack, and I then advised him to wait until he received the letter, or the answer, as it was a great responsibility to kill so many people.

At that time I was often called upon to interpret for the Indians, being acquainted with their language, and it was soon after talking with Haight, that Indians came to me and reported that attacks had been made on the company; they reported three different attacks, in the third of which Lee led the attack in person, and received one bullet through his hat, and one on each side of his body through his shirt, but his skin was not broke, Capt. Francher was killed in the third attack. All the attacks were made at Night time. Several Indians had been killed and others wounded, also several of the emigrants had been killed and others wounded.

I was still staying on my farm at Johnson Springs, but shortly

afterwards two messengers came to me from Cedar, bearing an order from ~~ix~~ Isaac C. Haight, for me to report at Cedar, and upon arriving there, he told me that trouble had arose between John D. Lee and the Indians, and he wanted me to go out to the Mountains Meadows, and try and settle the difficulty, as I was a friend of the Indians. In the morning of the same day that I got word from Haight to come to Cedar, Indians had told me that the agreement that they had had with Lee, was that they were to get all the horses, and now Lee had sent some of the best to Harmony, and they were going to kill Lee if he did not return them. Haight also told me that Lee wanted to withdraw, but that he had sent him word that he had commenced, and he must finish it, and that he had sent a company of men to assist him. John M. Higbee was also sent to assist Lee, and I went to the Meadows with Higbee, and met with Lee and the Indians at the Meadows, known as Hamblin at the present time, and which was about four miles north of where the ~~xx~~ emigrants were located.

Next morning the difficulty was settled, and the Indians agreed to assist in killing the emigrants, and the white men went to within a rifle shot of the emigrant camp, and sent a man with a flag of truce, towards the camp, and he was met with a similar messenger from the camp, and after a consultation had been arranged, in which Lee and Higbee represented the white settlers, an agreement was entered into, by which the emigrants were to give up their arms, and Lee's men were to take the company back to Cedar City, taking the wounded and as many of the women and children as possible in the three wagons, and the rest of them were to walk, behind the wagons, while the men were to walk a little distance behind the women. The emigrant wagons being left on the camping ground, as the horses had been driven off. John D. Lee said when he returned from the consultation above referred to, that the emigrants were very suspicious, and that he had ask them if he looked like a bad man, and they answered no, but that they were sure that white men had been with the Indians when the attacks had been made, but upon Lee giving his word that he would protect them they consented to leave their camp. I was sent to tell the Indians what they were expected to do, and so suspicious was Lee of me, that he sent an Indian boy who could talk English, to see that I carried the right ~~xxx~~ message; the Indians would not believe this Indian, so I had to go, and after telling the Indians what they were to do, I remained on a hill about thirty rods from where the killing was to take place, and could see every

thing that took place.

The company moved out from their camp, the wounded, and as many of the women and children as could ride were in the wagons, with the rest of the women and children walking close behind, while the men were walking some little distance behind, with the white settlers walking along side of them, the emigrant men being un-armed, while the settlers had their arms; when the company had reach the divide, where the waters sepearate, part going down towards the Clara Creek and the other part going towards the Meadows, and on towards the Desert, John M. Higbee gave the agreed signal "Halt", when the Indians who were in ambush, rushed in between the white settlers and the emigrant men, and began the killing of the men, and the white settlers assisted, and the Indians assisted by John D. Lee, killed the wounded and the women and children, except the little children, I saw John D. Lee, kill some of the women and children, for I was in a position to see, and did see it all. I was immediately sent with four men to prevent the Indians from looting the wagons, but when I got there, I would not do so, for I let them do as they pleased. I was told at the ~~the~~ time, that when they rested from the killing, and I had gone to the wagons that they gathered the children together, and Klingin Smith, selected seventeen of the smallest children together, and handed the older ones over to the Indians who killed them,

In justice to most of the men that went to the Meadows, I will state that they were mostly young, and were under orders what they did, and most of them thought that when they left Cedar City, that the emigrants had been killed by the Indians, and that they were going to bury the dead, and for that purpose they took their shovels along, and their arms to protect themselves from any attack from the Indians.

When Isaac C. Haight received the answer from James Haslem, in which he was forbidden to injure the Emigrants, but to render them all the assistance possible, he cried like a child, but it was too late; most of the men who took part in the killing, also considered them as their common enemies, and under the excitement caused by the advent of the Johnson Army they felt partly justified in destroying them.

There is no doubt in my mind that John D. Lee, in reporting the affair to Governor Young, lied to him and laid it on the Indians, for some fifteen or twenty years afterwards, Brigham Young sent for me to come to Salt Lake City, and requested me to tell him all I knew of the whole affat

which I did, and while I was relating it to him he walked the floor, and was deeply impressed by the statement, and several times said why did Lee lie to me, and soon afterwards John D. Lee and several others were excommunicated from the Church. He said at the time, that the young men who took part in the massacre would not be held responsible, for they were young, and under orders, but there were some who were responsible, and he would hold them responsible.

At the time of Lees Trial for murder, which took place at Beaver City, Utah, I was in hiding, for I did not want to have anything to do in the matter, but Daniel H. Wells, sent my son to me, with a request that I come to Beaver, and see him which I did, and after telling him what I knew of the affair, he called in Howard, the Prosecuting attorney, and introduced me to him, and ask me to relate to him what I knew of it, with the request that go on the witness stand and testify to what I saw, and knew, which I did, and from all that I know, Brigham Young, nor any official in the Mormon Church never tried to hide any part of the truth pertaining to the "Mountain Meadow Massacre" from the proper officials, and rendered all in their power to bring the guilty to punishment.

I have made this affidavit, not for publication, or for general circulation, but that the truth may be put in writing, that in the event of it being needed to refute error in the future, and after the eye witnesses have passed away, it may be used for that purpose.

Nephi Johnson

State of Utah)
County of Washington) ss

Nephi Johnson, being first duly sworn, deposes and says that he is the signer of the foregoing instrument; that he has read the same and knows the contents thereof, and of his own knowledge the same is true. This affidavit consists of three pages besides this page

Nephi Johnson

Subscribed and sworn to before me this 22nd day of July, A.D. 1908.

My commission expires
April, 19th, 1912.

D. H. Morris
Notary Public.

